Title 15

BUILDINGS AND CONSTRUCTION*

Chapters:

15.04 Fire and Building Technical Codes
15.06 Uniform Housing Code
15.08 Uniform Fire Code (Repealed)
15.10 Uniform Code for the Abatement of Dangerous Buildings
15.12 Uniform Mechanical Code (Repealed)
15.14 Uniform Plumbing Code (Repealed)
15.16 Gas and Vacuum Systems
15.18 Cabo One and Two Family Dwelling Code (Repealed)
15.20 National Electrical Code (Repealed)
15.22 Uniform Code for Building Conservation
15.24 Cabo Model Energy Code and Northwest Energy Code (Repealed)
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Chapter 15.04

FIRE AND BUILDING TECHNICAL CODES

Sections:

15.04.010 Building technical codes adopted.
15.04.015 (Repealed)
15.04.016 Fire code adopted.
15.04.020 Penalties.
15.04.030 (Repealed)

* For statutory provisions on the authority of the city to regulate the construction of buildings, see MCA §7-15-4122; for provisions on the authority of the city to provide for the inspection and measuring of building materials, see MCA §7-15-4123; for provisions on the authority of the city to regulate and restrict the erection, construction, alteration, repair, etc., of buildings, and structures, see MCA §§76-2-302 and 76-2-310--76-2-312. For statutory provisions on the authority of the city to provide for inspection and measurement of gas, light, and electric or other power sold within its limits, see MCA §§7-13-4104.

**Prior ordinance history: Prior Code §5-3 and Ord. 1814.

15.04.010 Building technical codes adopted.

A. The current and future editions of the following model technical building construction codes, including, but not limited to the International Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, International Existing Building Code, International Energy Conservation Code, NFPA 99C Gas and Vacuum Systems, International Swimming Pool and Spa Code and all accompanying appendices, amendments, and modifications adopted or required to be adopted by the Montana Department of Labor Building Codes Bureau (or its successor) as set forth in the Administrative Rules of

Montana, as amended from time to time by the Building Codes Bureau, are adopted by reference and incorporated into this Title as if set forth in full, except for any exceptions noted in this Chapter or any regulations which are not applicable to local government jurisdictions.

B. One (1) copy of each code shall be kept on file in the office of the City Clerk and one (1) copy of each code shall be kept on file in the office of the Building Inspection Division.

C. Any amendments adopted by the Building Codes Bureau which apply to local government jurisdictions, including adoption of the latest editions of the model technical building construction codes listed in 15.04.010 A. above, as well as future editions of those model technical building codes, or applicable Administrative Rules of Montana, shall become effective upon execution of an Administrative Rule by the Mayor as authorized by Section 50-60-301 MCA, unless a different effective date is specified in the Administrative Rule.

D. A copy of the model technical building construction codes and administrative rules, as amended, will be kept in the office of the City Clerk.

E. The model technical building construction codes and Administrative Rules of Montana as adopted above, and the other provisions of Title 15 are applicable within the corporate limits of the City of Missoula and are enforced by the Building Inspection Division.

(Ord. 3561, 2016; Ord. 3427, 2010; Ord. 3294 §1, 2005; Ord. 3208, 2002; Ord. 3134, 2000; Ord. 2986 §1, 1996: Ord. 2898 §1, 1994: Ord. 2821 §1(part), 1992: Ord. 2784 §1, 1991: Ord. 2731 §1, 1990: Ord. 2687 §1, 1989: Ord. 2499 §1, 1986: Ord. 2329 §1, 1983: Ord. 2106, 1980; Prior Code §5-3).

15.04.015 Repealed. (Ord. 3208, 2002; Ord. 3134, 2000; Ord. 3081, 1998; Ord. 3059, 1998; Ord. 3028, 1997; Ord. 2986, 1996; Ord. 2989 §2, 1994; Ord. 2821 §1(part), 1992; Ord. 2499 §2, 1986; Ord. 2209 §§1, 2, 3, 1981).

15.04.016 International Fire Code Adopted

A. There is hereby adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion and providing for the issuance of permits and collection of fees; that certain Code and Standards known as the International Fire Code adopted by the Fire Prevention and Investigation Bureau of the Montana Department of Justice (or its successor), as set out in the Administrative Rules of Montana, and as amended from time to time by the Bureau, are adopted by reference and incorporated in this chapter as if set forth in full, with the additions, amendments, and deletions enumerated within the Administrative Rules, except as may be noted in this chapter, by future Administrative Order, or by any regulations not applicable to local government jurisdictions.

B. Exceptions: Appendix D of the International Fire Code edition adopted by the Fire Prevention and Investigation Bureau of the Montana Department of Justice is adopted.

C. One copy of the Code and Standard have been and, currently are, on file in the City Fire Marshal's Office, and from the date on which this ordinance shall take effect the provision thereof shall be controlling within the limits of the city.

D. Any amendments adopted by the Fire Prevention and Investigation Bureau (or its successor) which apply to local government jurisdictions, including the adoption of the latest editions of the International Fire Code or applicable Administrative Rules of Montana, shall become effective upon execution of an Administrative Order of the Mayor unless a different effective date is specified in the Administrative Order.

E. A copy of the amendment notification and the corresponding new edition will be kept on file in the City Fire Marshal's Office.

F. The fire code and Administrative Rules of Montana as adopted above are applicable within the corporate limits of the City of Missoula and are enforced by the Missoula Fire Department.

(Ord. 3518, 2013; Ord. 3427, 2010)

15.04.020 Penalties. Any violation of these model technical building construction codes, fire code, or administrative rules, shall constitute a violation of a municipal ordinance. Penalties shall be imposed within the parameters of what Montana State law allows for municipal ordinance violations or for violations of state adopted technical codes. (Ord. 3427, 2010; Ord. 3208, 2002; Ord. 3166, 2001; Ord. 2603 551, 2, 1988, Ord. 3294 §2, 2005).

15.04.030 Repealed. (Ord. 3427, 2010; Ord. 3208, 2002; Ord. 3166, 2001; Ord. 3134, 2000; Ord. 3081, 1998; Ord., 3059, 1998; Ord. 3028, 1997; Ord. 2986, 1996; Ord. 2898 §3, 1994; Ord. 2821 §1(part), 1992: Prior Code §5‑ 4)

Chapter 15.06

UNIFORM HOUSING CODE

Sections:

15.06.010 Adoption by reference.
15.06.020 Applicability.
15.06.030 Copy on file.

15.06.010 Adoption by reference. The city adopts and incorporates by this reference the Uniform Housing Code, 1997 Edition as amended by the Annotated Rules of Montana (ARM) 8.70.102 (1)(c) along with the following amendments:

1. Amend Section 203 of the code as follows:

(a) General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this code, there shall be and is hereby created a Housing Advisory and Appeals Board, which shall be the Board of Appeals as created in the Uniform Building Code.

2. Amend Section 1001.2, Item 9 of the code as follows:

At the sole discretion of the building official, minimum room heights in habitable space of less than 7 feet 6 inches may be considered adequate on a case by case basis, provided the space has been lawfully and continuously used as a residential occupancy and the following criteria are met:

a) All sleeping areas are provided egress windows as required in the appropriate building code.
b) All habitable areas are provided with windows which meet the minimum building code light and ventilation requirements.
c) Smoke detectors are provided in accordance with the appropriate building code. The absolute minimum ceiling height acceptable in such non-standard habitable space shall be 6'-10'. (Ord. 3132, 2000; Ord. 3083, 1998; Ord. 2989, 1996; Ord. 2896 §1, 1994; Ord. 2822 §2, 1992; Ord. 2772 §1, 1991) .

15.06.020 Applicability. The purpose of this, the Uniform Housing Code, is to provide minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public and the owners and occupants of residential buildings. (Ord. 3132, 2000; Ord. 3083, 1998; Ord. 2989, 1996; Ord. 2896 §2, 1994; Ord. 2822 §3, 1992; Ord. 2772 §2, 1991).

15.06.030 Copy on File. The Uniform Housing Code, 1997 Edition, is a nationally recognized model code setting forth the minimum standards and requirements for maintenance of residential buildings. A copy of the Uniform Housing Code shall be filed with the city clerk for inspection by the public. Copies may also be purchased at the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601-2298; The Department of Commerce, Building Codes Bureau, P.O. Box 200517, Helena, Montana 59620-0517; or the city of Missoula building inspection division, as available. (Ord. 3132, 2000; Ord. 3083, 1998; Ord. 2989, 1996; Ord. 2896 §3, 1994; Ord. 2822 §§1, 4, 1992; Ord. 2772 §3, 1991).

Chapter 15.08

UNIFORM FIRE CODE (Repealed, Ord. 3427, 2010)

Sections:

15.08.010 Repealed (Ord. 3427, 2010; Ord. 3275, 2004 §1; Ord. 3148, 2000; Ord. 3015, 1997; Ord. 2833 §1, 1992; Ord. 2716 §1, 1989; Ord. 2508 (part), 1986; Ord. 2332 §1, 1983; Ord. 2015, 1979: Prior Code §11‑ 21).

15.08.040 Repealed (Ord. 3427, 2010; Ord. 2716 §2, 1989: Ord. 2508(part), 1986; Ord. 2332 §2, 1983).

Chapter 15.10

UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

Sections:

15.10.010 Adoption by reference.
15.10.020 Applicability.
15.10.030 Copy on file.

15.10.010 Adoption by reference. The city adopts and incorporates by this reference, the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, along with the state of Montana, with the following amendments: Amend Section 205 of the code as follows:

General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of the code, there shall be and is hereby created a Board of Appeals, which is the Board of Appeals as created by the Uniform Building Code Section 105. (3128, 2000; Ord. 3084, 1998; Ord. 2984, 1996; Ord. 2823 §1, 1992; Ord. 2773 §1, 1991).

15.10.020 Applicability. The purpose of the Uniform Code for the Abatement of Dangerous Buildings is to provide a just, equitable, and practicable method, to be cumulative with and in addition to, any other remedy provided by the Uniform Building Code or Uniform Housing Code, or otherwise available by law, whereby buildings or structures which, from any cause, endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants, may be required to be repaired, vacated or demolished. (Ord. 3128, 2000; Ord. 3084, 1998; Ord. 2984, 1996; Ord. 2823 2, 1992; Ord. 2773 §2, 1991).

15.10.030 Copy on file. The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, is a nationally recognized model code setting forth minimum standards and requirements for dangerous buildings. A copy shall be filed with the city clerk for inspection by the public. Copies may also be viewed at the International Conference for Building Officials, 5360 South Workman Mill Road, Whittier, California 90601-2298; The Department of Commerce, Building Codes Bureau, P.O. Box 200517, Helena, Montana 59620-0517; or the city of Missoula building inspection division, as available. (Ord. 3128, 2000; Ord. 3084, 1998; Ord. 2984, 1996; Ord. 2823 §3, 1992; Ord. 2773 §3, 1991).

Chapter 15.12

UNIFORM MECHANICAL CODE
(REPEALED, ORD. 3208, 2002)

Sections:

15.12.010 Repealed.
15.12.020 Repealed.
15.12.030 Repealed.

15.12.010 Repealed. (Ord. 3208, 2002; Ord. 3126, 2000; Ord. 3085, 1998; Ord. 3057, 1998; Ord. 3027, 1997; Ord. 2990, 1996; Ord. 2900 §1, 1994; Ord. 2824 §1, 1992; Ord. 2774 §1, 1991) .

15.12.020 Repealed. (Ord. 3208, 2002; Ord. 3126, 2000: Ord. 3085, 1998; Ord. 3057, 1998; Ord. 3027, 1997; Ord. 2990, 1996; Ord. 2900 §2, 1994; Ord. 2824 §2, 1992; Ord. 2774 §2, 1991).

15.12.030 Repealed. (Ord. 3208, 2002; Ord. 3126, 2000; Ord. 3085, 1998; Ord. 3057, 1998; Ord. 3027, 1997; Ord. 2990, 1996; Ord. 2900 §3, 1994; Ord. 2824 §3, 1992; Ord. 2774 §3, 1991).

Chapter 15.14

UNIFORM PLUMBING CODE
(REPEALED, ORD. 3208, 2002)

Sections:

15.14.010 Repealed.
15.14.020 Repealed.
15.14.030 Repealed.
15.14.040 Repealed.

15.14.010 Repealed. Ord. 3208, 2002; Ord. 3166, 2001; Ord. 2897 §1, 1994: Ord. 2825 §1, 1992: Ord. 2775 §1, 1991).)

15.14.020 Repealed. Ord. 3208, 2002; Ord. 3166, 2001; Ord. 3166, 2001; Ord. 3127, 2000; Ord. 3082, 1998; Ord. 3058, 1998; Ord. 3025, 1997; Ord. 2991, 1996; Ord. 2897 §3, 1994; Ord. 2825 54, 1992; Ord. 2775 §4, 1991).

15.14.030 Repealed. (Ord. 3208, 2002; Ord. 3166, 2001; Ord. 3166, 2001; Ord. 3127, 2000; Ord. 3082, 1998; Ord. 3058, 1998)

15.14.040 Repealed. (Ord. 3208, 2002; Ord. 3166, 2001; Ord. 3127, 2000; Ord. 3082, 1998; Ord. 3058, 1998; Ord. 3025, 1997; Ord. 2991, 1996; Ord. 2897 §4, 1994; Ord. 2897 §3, 1994; Ord. 2825 §5, 1992; Ord. 2775 §5, 1991).

Chapter 15.16
Gas and Vacuum Systems

Chapter:

15.16.010 Adoption by Reference.
15.16.020 Applicability.
15.16.030 Copy On File.

15.16.010 Adoption By Reference. The city adopts and incorporates by this reference, National Fire Protection Association Standard NFPA 99C, Gas and Vacuum Systems, 1999 Edition as adopted by the State of Montana. (Ord. 3125, 2000).

15.16.020 Applicability. The purpose of this code is to provide minimum standards for the protection of life, limb, health, property, environment and for the safety and welfare of the consumer general public and owners of buildings or structures containing medical gas and vacuum piping systems through inspection by state certified inspectors. (Ord. 3125, 2000).

15.16.030 Copy On File. National Fire Protection Association Standard NFPA 99c, Gas And Vacuum Systems, 1999 Edition, is a nationally recognized model code setting forth minimum standards and requirements for the construction, fabrication, installation, repair, alteration, use and maintenance of all medical and dental gas supply and vacuum systems. a copy shall be filed with the City Clerk for inspection by the public. copies may be viewed at the Department Of Commerce, Building Codes Bureau, P.O. Box 200517, Helena, Montana 59620-0517, Or The City Of Missoula Building Inspection Division, as available. (Ord. 3125, 2000)

Chapter 15.18

CABO ONE- AND TWO- FAMILY DWELLING CODE (REPEALED, ORD. 3208, 2002)

Sections:

15.18.010 Repealed.
15.18.020 Repealed.
15.18.030 Repealed.

15.18.010 Repealed. Ord. 3208, 2002; Ord. 3130, 2000; Ord. 3086, 1998; Ord. 3009, 1996; Ord. 2987, 1996; Ord. 2776 91, 1991).

15.18.020 Repealed. Ord. 3208, 2002; Ord. 3130, 2000; Ord. 3086, 1998; Ord. 2987, 1996; Ord. 2776 §2, 1991).

15.18.030 Repealed. Ord. 3208, 2002; Ord. 3130, 2000; Ord. 3086, 1998; Ord. 2987, 1996; Ord. 2776 §3, 1991).

Chapter 15.20

NATIONAL ELECTRICAL CODE (REPEALED, ORD. 3208, 2002)

Sections:

15.20.010 Repealed.
15.20.020 Repealed.
15.20.030 Repealed.

15.20.010 Repealed. Ord. 3208, 2002; Ord. 3129, 2000; Ord. 3026, 1997; Ord. 3026; 1997; Ord. 2895 §1, 1994; Ord. 2777 §1, 1991).

15.20.020 Repealed. Ord. 3208, 2002; Ord. 3129, 2000; Ord. 3026, 1997; Ord. 2895 §2, 1994; Ord. 2777 §2, 1991).

15.20.030 Repealed. Ord. 3208, 2002; Ord. 3129, 2000; Ord. 3026, 1997; Ord. 2895 §3, 1994; Ord. 2777 §3, 1991).

Chapter 15.22

UNIFORM CODE FOR BUILDING CONSERVATION

Sections:

15.22.010 Adoption by reference.
15.22.020 Purpose.
15.22.030 Copy on file.

15.22.010 Adoption by reference. The city adopts and incorporates by this reference herein the Uniform Code for Building Conservation, 1997 Edition, along with the state of Montana, with the following amendments:

B. Amend Section 207 of the code to read as follows:

In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this code, there shall be and is hereby created a Building Conservation Appeals Board, which shall be the Board of Appeals as created by the Uniform Building Code. (Ord. 3133, 2000; Ord. 3087, 1998; Ord. 2985, 1996; Ord. 2826 §1, 1992; Ord. 2778 §1, 1991).

15.22.020 Applicability. The purpose of this code, the Uniform Code for Building Conservation, is to encourage the continued use or reuse of legally existing historic buildings and structures while providing a minimum degree of life-safety protection to the users of the buildings or structures. (Ord. 3133, 2000; Ord. 3087, 1998; Ord. 2985, 1996; Ord. 2826 §2, 1992; Ord. 2778 §2, 1991).

15.22.030 Copy on file. The Uniform Code for Building Conservation, 1997 Edition, is a nationally recognized model code setting forth minimum standards and requirements for conservation of legally existing buildings. A copy of the Uniform Code for Building Conservation shall be filed with the city clerk for inspection by the public. Copies may also be viewed at the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601-2298; The Department of Commerce, Building Codes Bureau, P.O. Box 200517, Helena, Montana, 59620-0517; or the city of Missoula building inspection division, as available. (Ord. 3133, 2000; Ord. 3087, 1998; Ord. 2985, 1996; Ord. 2826 §3, 1992; Ord. 2778 §3, 1991).

Chapter 15.24

CABO MODEL ENERGY CODE AND NORTHWEST ENERGY CODE (REPEALED, ORD. 3208, 2002)

Sections:

15.24.010 Repealed.
15.24.020 Repealed.
15.24.030 Repealed.

15.24.010 Repealed. Ord. 3208, 2002; Ord. 3124, 2000; Ord. 3088, 1998; Ord. 2988, 1996; Ord. 2899 §1, 1994; Ord. 2827 §1, 1992; Ord. 2779 §1, 1991).

15.24.020 Repealed. Ord. 3208, 2002; Ord. 3124, 2000; Ord. 3088, 1998; Ord. 2988, 1996; Ord. 2899 §2, 1994; Ord. 2827 §2, 1992; Ord. 2779 § 2, 1991).

15.24.030 Repealed. Ord. 3208, 2002; Ord. 3124, 2000; Ord. 3088, 1998; Ord. 2988, 1996; Ord. 2899 §3, 1994; Ord. 2827 §3, 1992; Ord. 2779 §3, 1991).

Chapter 15.28

BUILDING INSPECTOR
(REPEALED, ORD. 3492, 2013)

(**Codifier's note:** In 2012, this chapter was repealed an recodified in Title 2, Chapter 11)

Sections:

15.28.010 Repealed.
15.28.020 Repealed.
15.28.050 Repealed.

15.28.010 Repealed. (**Codifier's note:** In 2012, this section was recodified as Section 2.11.060.) (Ord. 3492, 2013; Ord. 2781 §1, 1991; Ord. 2141 §3, 1980).

15.28.020 Repealed. (**Codifier's note:** In 2012, this section was recodified as Section 2.11.070.) (Ord. 3492, 2013; Ord. 2781 §2, 1991: Prior Code §2‑18).

15.28.050 Repealed. (**Codifier's note:** In 2012, this section was recodified as Section 2.11.080.) (Ord. 3492, 2013; Ord. 2328 §2, 1983).

Chapter 15.32

BUILDING PERMITS

Sections:

15.32.010 Building permits‑‑Generally.
15.32.020 Fees charged for building, mechanical, plumbing, and electrical permits

15.32.010 Building permits—Generally.

A. No person shall erect, repair, alter, wreck or move any building or part thereof without first securing a building permit therefore; provided, however, that no such permit shall be necessary for the construction, reconstruction or alteration of a building not used or not to be used for commercial or industrial purposes where the cost of the work does not exceed one hundred dollars.

B. Application for a building permit shall be made to the building inspector on blank forms to be furnished by the city. Each application for a permit to construct, alter or move a building shall be accompanied by plans and a plat or a survey of the land upon which such movement is contemplated made by a surveyor registered by the state, and a certificate by the surveyor that stakes have been placed upon the corners of the land by the surveyor and that in addition thereto, stakes have been placed by the surveyor marking the outside limits of the structures; provided, that the building inspector may waive the requirements that stakes be placed by the surveyor marking the outside limits of the proposed structure in the event that the building inspector is satisfied, without the placing of such stakes, that such proposed structure will not extend across the exterior lines of the property owned by the applicant and will not violate any of the front, side or rear yard requirements established by Title 20.

C. No change shall be made by way of relocating any of such surveyor marks or stakes after the application for a building permit has been filed with the building inspector, without the written consent of the building inspector.

D. No such stakes shall be removed, changed or destroyed prior to the completion of such structure, except such stakes as must necessarily be removed in the process of erecting, altering or moving the structure.

E. The owner or operator shall ensure that the provisions of the Montana DEQ Asbestos Control Program, Montana Code Annotated (MCA) Title 75, Part 5, and Administrative Rules of Montana (ARM) 17.74 are implemented prior to any building demolition, remodel, or renovation activities.

F. The building inspector shall not issue a building permit, as set out in this section, for construction of any building in newly annexed areas until such areas shall be zoned.

G. The building inspector shall not issue a building permit, as set out in this section, to erect, repair, al- ter, wreck or move any building in any area that is being considered for rezoning if that building would not be a permitted use pursuant to the zoning classification proposed for the real property on which the building permit would be applicable. Real property shall be considered to be under consideration for rezoning whenever rezoning has actually been initiated either by city council action or by property owner petition as authorized under Section 20.85.040 of this code, pertaining to zoning changes. Property owner petitions for rezoning shall be considered to have initiated a rezoning consideration once the city clerk has received a valid and proper application requesting rezoning and the applicable rezoning application review fees have been paid to the city zoning officials. Any property for which the subdivision review process has already begun and/or any property for which a site plan has already been determined by the city zoning officer to be in compliance with applicable zoning code provisions prior to the time any rezoning has been initiated shall be exempt from the provisions of this subsection. For the purpose of determining an exemption from this provision, the commencement of the subdivision review process means the point in time when subdivision submittal packets are certified by the city planning staff for agency review.

H. It is the duty of the city building inspector to enforce this chapter through the proper channels.

(Ord. 3740, 2024; Ord. 3368 §1, 2008; Ord. 2538 §1, 1987; Ord. 2162 §1, 1980; Ord. 1828, 1977; Ord. 1815, 1977: Prior Code §5- 1)

15.32.020 Fees charged for building, mechanical, plumbing, and electrical permits

A. BUILDING PERMITS

1.	Building Fee Schedule	Fee
a.	Construction value of $1.00 to $500.00	$25.00
	Construction value of $501.00 to $600.00	$29.00
	Construction value of $601.00 to $700.00	$31.00
	Construction value of $701.00 to $800.00	$34.00
	Construction value of $801.00 to $900.00	$38.00
	Construction value of $901.00 to $1,000.00	$41.00
	Construction value of $1,001.00 to $1,100.00	$44.00
	Construction value of $1,101.00 to $1,200.00	$48.00
	Construction value of $1,201.00 to $1,300.00	$51.00
	Construction value of $1,301.00 to $1,400.00	$54.00
	Construction value of $1,401.00 to $1,500.00	$59.00
	Construction value of $1,501.00 to $1,600.00	$61.00
	Construction value of $1,601.00 to $1,700.00	$65.00
	Construction value of $1,701.00 to $1,800.00	$69.00
	Construction value of $1,801.00 to $1,900.00	$71.00
	Construction value of $1,901.00 to $2,000.00	$74.00
	Construction value of $2,001.00 to $3,000.00	$89.00
	Construction value of $3,001.00 to $4,000.00	$104.00
	Construction value of $4,001.00 to $5,000.00	$118.00
	Construction value of $5,001.00 to $6,000.00	$134.00
	Construction value of $6,001.00 to $7,000.00	$148.00
	Construction value of $7,001.00 to $8,000.00	$163.00
	Construction value of $8,001.00 to $9,000.00	$178.00
	Construction value of $9,001.00 to 10,000.00	$193.00
	Construction value of $10,001.00 to $11,000.00	$208.00
	Construction value of $11,001.00 to $12,000.00	$222.00
	Construction value of $12,001.00 to $13,000.00	$237.00
	Construction value of $13,001.00 to $14,000.00	$251.00
	Construction value of $14,001.00 to $15,000.00	$267.00
	Construction value of $15,001.00 to $16,000.00	$282.00
	Construction value of $16,001.00 to $17,000.00	$297.00
	Construction value of $17,001.00 to $18,000.00	$311.00
	Construction value of $18,001.00 to $19,000.00	$327.00

1.	Building Fee Schedule	Fee
	Construction value of $19,001.00 to $20,000.00	$341.00
	Construction value of $20,001.00 to $21,000.00	$356.00
	Construction value of $21,001.00 to $22,000.00	$371.00
	Construction value of $22,001.00 to $23,000.00	$384.00
	Construction value of $23,001.00 to $24,000.00	$401.00
	Construction value of $24,001.00 to $25,000.00	$414.00
	Construction value of $25,001.00 to $26,000.00	$426.00
	Construction value of $26,001.00 to $27,000.00	$436.00
	Construction value of $27,001.00 to $28,000.00	$447.00
	Construction value of $28,001.00 to $29,000.00	$458.00
	Construction value of $29,001.00 to $30,000.00	$468.00
	Construction value of $30,001.00 to $31,000.00	$480.00
	Construction value of $31,001.00 to $32,000.00	$490.00
	Construction value of $32,001.00 to $33,000.00	$502.00
	Construction value of $33,001.00 to $34,000.00	$512.00
	Construction value of $34,001.00 to $35,000.00	$523.00
	Construction value of $35,001.00 to $36,000.00	$533.00
	Construction value of $36,001.00 to $37,000.00	$544.00
	Construction value of $37,001.00 to $38,000.00	$555.00
	Construction value of $38,001.00 to $39,000.00	$564.00
	Construction value of $39,001.00 to $40,000.00	$577.00
	Construction value of $40,001.00 to $41,000.00	$587.00
	Construction value of $41,001.00 to $42,000.00	$596.00
	Construction value of $42,001.00 to $43,000.00	$609.00
	Construction value of $43,001.00 to $44,000.00	$619.00
	Construction value of $44,001.00 to $45,000.00	$628.00
	Construction value of $45,001.00 to $46,000.00	$640.00
	Construction value of $46,001.00 to $47,000.00	$651.00
	Construction value of $47,001.00 to $48,000.00	$661.00
	Construction value of $48,001.00 to $49,000.00	$672.00
	Construction value of $49,001.00 to $50,000.00	$684.00
	Construction value of $50,001.00 to $51,000.00	$691.00
	Construction value of $51,001.00 to $52,000.00	$698.00
	Construction value of $52,001.00 to $53,000.00	$706.00
	Construction value of $53,001.00 to $54,000.00	$713.00
	Construction value of $54,001.00 to $55,000.00	$721.00
	Construction value of $55,001.00 to $56,000.00	$728.00
	Construction value of $56,001.00 to $57,000.00	$734.00
	Construction value of $57,001.00 to $58,000.00	$743.00
	Construction value of $58,001.00 to $59,000.00	$750.00
	Construction value of $59,001.00 to $60,000.00	$758.00
	Construction value of $60,001.00 to $61,000.00	$765.00
	Construction value of $61,001.00 to $62,000.00	$773.00
	Construction value of $62,001.00 to $63,000.00	$780.00
	Construction value of $63,001.00 to $64,000.00	$786.00
	Construction value of $64,001.00 to $65,000.00	$795.00
	Construction value of $65,001.00 to $66,000.00	$802.00
	Construction value of $66,001.00 to $67,000.00	$810.00
	Construction value of $67,001.00 to $68,000.00	$816.00
	Construction value of $68,001.00 to $69,000.00	$824.00
	Construction value of $69,001.00 to $70,000.00	$831.00
	Construction value of $70,001.00 to $71,000.00	$837.00
	Construction value of $71,001.00 to $72,000.00	$846.00
	Construction value of $72,001.00 to $73,000.00	$853.00
	Construction value of $73,001.00 to $74,000.00	$860.00
	Construction value of $74,001.00 to $75,000.00	$867.00
	Construction value of $75,001.00 to $76,000.00	$876.00

1.	Building Fee Schedule	Fee
	Construction value of $76,001.00 to $77,000.00	$883.00
	Construction value of $77,001.00 to $78,000.00	$889.00
	Construction value of $78,001.00 to $79,000.00	$896.00
	Construction value of $79,001.00 to $80,000.00	$905.00
	Construction value of $80,001.00 to $81,000.00	$913.00
	Construction value of $81,001.00 to $82,000.00	$927.00
	Construction value of $82,001.00 to $83,000.00	$934.00
	Construction value of $83,001.00 to $84,000.00	$941.00
	Construction value of $84,001.00 to $85,000.00	$949.00
	Construction value of $85,001.00 to $86,000.00	$957.00
	Construction value of $86,001.00 to $87,000.00	$964.00
	Construction value of $87,001.00 to $88,000.00	$970.00
	Construction value of $88,001.00 to $89,000.00	$980.00
	Construction value of $89,001.00 to $90,000.00	$987.00
	Construction value of $90,001.00 to $91,000.00	$993.00
	Construction value of $91,001.00 to $92,000.00	$1000.00
	Construction value of $92,001.00 to $93,000.00	$1008.00
	Construction value of $93,001.00 to $94,000.00	$1017.00
	Construction value of $94,001.00 to $95,000.00	$1023.00
	Construction value of $95,001.00 to $96,000.00	$1,030.00
	Construction value of $96,001.00 to $97,000.00	$1,038.00
	Construction value of $97,001.00 to $98,000.00	$1,045.00
	Construction value of $98,001.00 to $99,000.00	$1,046.00
	Construction value of $99,001.00 to $100,000.00	$1,053.00
	$100,001.00 to $500,000.00 = $1,053.00 for the first $100,000.00 plus $6.62 for each additional $1,000.00 or fraction thereof.	$1,053.00 *$6.62*
	$500,001.00 to $1,000,000.00 = $3,701.00 for the first $500,000.00 plus $4.41 for each additional $1,000.00 or fraction thereof, to and including $1,000,000.00.	$3,701.00 *$4.41*
	$1,000,001.00 and up =$5,908 for the first $1,000,000.00 plus $3.31 for each additional $1,000.00 or fraction thereof.	$5,908.00 *$3.31*
b.	Demolition permit fee	$17.00
c.	Solar installations	$77.00
d.	International Energy Conservation Code Special Inspection Fee $150 in advance plus $37.50 per 30 minutes after 2 hours. Balance to be paid prior to final inspection	$75.00 per hour
e.	Residential Re-roof permit flat fee	$120.00

B. MECHANICAL PERMITS

1.	Mechanical Permit Issuance	Proposed Fee
a.	For issuing each permit	$32.00
b.	For issuing each supplemental permit for which the original permit is not expired, cancelled or completed □ Except for wood stoves or solid fuel appliances □ May not extend another applicant's permit	$10.00

2.	Furnaces	Proposed Fee
a.	For the installation or relocation of each forced-air or gravity-type furnace, burner or heat exchanger, including any ducts or vents attached to such appliance, up to and including 100,000 BTU/HR	$21.00
b.	For the installation or relocation of each forced-air or gravity-type furnace, burner or heat exchanger, including any ducts or vents attached to such appliance, over 100,000 BTU/HR	$25.00

3.	Heaters	Proposed Fee
a.	For the installation or relocation of each suspended heater, recessed wall heater, floor mounted room heater, floor furnace, wall furnace or gas fireplace insert, including vents attached to such appliance	$21.00

4.	Appliance Vents / Combustion Air Ducting	Proposed Fee
a.	For the installation, relocation or replacement of each appliance vent or combustion air ducting no included in an appliance permit	$10.00

5.	Repairs or Additions	Proposed Fee
a.	For the repair of, alteration of, or addition to each existing heating appliance, refrigeration unit, cooling unit, or for each such system, including installation of controls regulated by the UMC	$21.00

6.	Boilers, Compressors or Heat Exchangers	Proposed Fee
a.	For the installation or relocation of each boiler, or steam or hot water heat exchanger, up to and including 100,000 BTU/HR; or for each compressor (including package or rooftop units) up to and including 3 horsepower (ton).	$21.00
b.	For the installation or relocation of each boiler, or steam or hot water heat exchanger, over 100,000 BTU/HR up to and including 500,000 BTU/HR; or for each compressor (including package or rooftop units) over 3 horsepower (ton) up to and including 15 horsepower (ton).	$35.00
c.	For the installation or relocation of each boiler, or steam or hot water heat exchanger, over 500,000 BTU/HR up to and including 1,000,000 BTU/HR; or for each compressor (including package or rooftop units) over 15 horsepower (ton) up to and including 30 horsepower (ton).	$48.00
d.	For the installation or relocation of each boiler, or steam or hot water heat exchanger, over 1,000,000 BTU/HR up to and including 1,750,000 BTU/HR; or for each compressor (including package or rooftop units) over 30 horsepower (ton) up to and including 50 horsepower (ton).	$73.00
e.	For the installation or relocation of each boiler, or steam or hot water heat exchanger, over 1,750,000 BTU/HR up to and including 1,750,000 BTU/HR; or for each compressor (including package or rooftop units) over 50 horsepower (ton).	$122.00

7.	Air Handlers	Proposed Fee
a.	For each air-to-air heat exchanger, including any ducts attached thereto	$14.00
b.	For each air-handling unit or fan-coil unit up to and including 10,000 cubic feet per minute (CFM), including ducts attached thereto	$14.00
c.	For each air-handling unit over 10,000 CFM	$25.00

Note: The above fees do not apply to air-handling units which are a portion of a factory-assembled appliance, cooling unit, or evaporative cooler for which a permit is required elsewhere in the UMC.

8.	Evaporative Coolers	Proposed Fee
a.	For each evaporative cooler other than portable type	$14.00

9.	Ventilation and Exhaust	Proposed Fee
a.	For each ventilation fan connected to a single duct	$10.00
b.	For each ventilation system, or for ductwork which is not a portion of any heating or air-conditioning system authorized by a permit	$14.00
c.	For the installation of each hood which is served by mechanical exhaust, including the duct for such hood, but not including any related fans or make-up air	$14.00

10.	Miscellaneous Mechanical	Proposed Fee
a.	For the installation or relocation of each residential-type wood stove or solid fuel appliance, including chimney, but no including any other required air-quality permits from other agencies	$43.00
b.	For each appliance or piece of equipment regulated by the UMC but not classed in other appliance categories or for which no other fee is listed	$14.00

11.	Fuel / Gas Piping	Proposed Fee
a.	For each gas-piping system of one to four outlets (per fuel/gas service)	$12.00
b.	For each gas-piping system, additional outlets over four per outlet (per fuel/gas service)	$5.00

C. PLUMBING PERMITS

1.	Plumbing Permit Issuance	Proposed Fee
a.	For issuing each permit	$32.00
b.	For issuing each supplemental permit for which the original permit is not expired, cancelled or completed□	$10.00

□ May not extend another applicant's permit

2.	Schedule of Plumbing Fees	Proposed Fee
a.	For the installation, relocation or replacement of plumbing fixture, trap or stub-out	$12.00
b.	For each water heater or replacement (storage tank type)	$12.00
c.	For installation, alteration, or repair of water piping and/or water treatment equipment	$12.00
d.	For repair or alteration of drainage or vent piping	$12.00
e.	For each lawn sprinkler or fire protection system, or any one meter, including backflow protection device	$12.00
f.	For 1 to 4 total unprotected plumbing fixtures, tanks, vats, etc., or vacuum breaker or backflow protection device (each)	$12.00
g.	For 5 or more unprotected plumbing fixtures, tanks, vats, etc., or vacuum breaker or backflow protection device (each)	$5.00
h.	For each industrial water pre-treatment equipment including the drainage and vent	$14.00

2.	Schedule of Plumbing Fees	Proposed Fee
i.	For each medical gas and vacuum piping system serving one to five inlet(s), outlet(s) or opening(s) for a specific gas	$107.00
j.	For each additional medical gas and vacuum inlet(s), outlet(s) or opening(s) over 5	$11.00
k.	For each gray water system installation	$77.00

D. ELECTRICAL PERMITS

1.	Single-Family Dwelling	Proposed Fee
a.	New construction 100 to 300 Amp service	$278.00
b.	New construction 301 or more Amp service	$430.00
c.	New addition to, remodel or interior rewire of existing	$84.00
d.	Change or upgrade service – meter and/or breaker panel	$53.00
e.	Miscellaneous residential wiring (labor and materials not to exceed $50.00)	$32.00
f.	Miscellaneous residential wiring (labor and materials over $50.00 but no addition, remodel or interior rewire)	$64.00
g.	For mobile home, manufactured home, modular home, or travel trailer use #5	See #5 below

2.	Duplex	Proposed Fee
a.	New construction – any capacity service	$384.00
b.	Any other installations – use #7	See #7 below

3.	Multi-Family Dwelling (3 to 12 units)	Proposed Fee
a.	New construction – any capacity service	$214.00
b.	New construction of multi-family dwellings over 12 units or any other installations use #7	See #7 below

4.	Detached Residential Accessory Building (Garages, Sheds, Barns, Etc.)	Proposed Fee
a.	New construction / existing unwired – up to 200 Amp service	$84.00
b.	New construction / existing unwired – 2001 to 300 Amp service	$214.00
c.	New construction / existing unwired – 301 Amp service or more	$278.00
d.	New construction – any capacity branch service from primary structure (if wired at the same time as primary structure)	$32.00
e.	New addition to, remodel, or interior rewire of existing	$84.00
f.	Change or upgrade service – meter and/or breaker panel	$53.00
g.	Miscellaneous residential wiring (labor and materials not to exceed $50.00)	$32.00
h.	Miscellaneous residential wiring (labor and materials over $50.00 but no addition, remodel, or interior rewire)	$64.00

5.	Mobile Home, Manufactured Home, Modular Home, or Travel Trailer	Proposed Fee
a.	Located inside a Court with an existing service (feeder only – service upgrade not included)	$53.00
b.	Located outside a Court with an existing service (feeder only – service upgrade not included)	$53.00

5.	Mobile Home, Manufactured Home, Modular Home, or Travel Trailer	Proposed Fee
c.	Located inside or outside a Court with a new service or service upgrade (includes feeder if done at same time)	$84.00
d.	For new service or service upgrade only at meter – use #7	See #7 below
e.	New mobile home courts and/or recreational vehicle parks per space for the first 3 spaces. Additional spaces installed at the same time - $8.32 per additional space	$32.00
	calculation (additional space)	*$8.57*
f.	Change or upgrade service – breaker panel only	$53.00
g.	Display homes and mobile offices – use #7	See #7 below

6.	Special Installations	Proposed Fee
a.	Irrigation wells, livestock wells, etc. (includes new service and feeder for equipment if done at same time)	$84.00
b.	Irrigation pump, machines or other outdoor equipment per unit (one pump and/or one pivot)	$75.00
c.	Temporary construction service	$53.00
d.	STEP sewer system	$75.00
	Note: The electrical permit fee for all other installations (commercial, industrial, institutional, public use, or for which a fee is not listed above) shall be based on the project cost according to the schedule below. The project cost shall be the cost to the owner of all labor and material used in the installation. Please round project cost to the nearest hundred prior to using fee schedule.	

7.	Commercial, Non-Residential and Other	Proposed Fee
a.	Project cost of $0 to $500	$64.00
b.	Project cost of $501 to $1,000	$64 for 1st $500 plus 8% of project balance
c.	Project cost of $1,001 to $10,000	$128.00 for 1st $1,000 plus 3% of project balance
d.	Project cost of $10,001 to $50,000	$514.00 for 1st $10,000 plus 0.7% of project balance
e.	Project cost of $50,001 or more	$943.00 for 1st $50,000 plus 0.4% of project balance

E. LOW VOLTAGE PERMITS

1.	Commercial, Industrial, Multi-Family (3-plex or more) and Other	Proposed Fee
a.	Project cost of $0 to $500, All projects permitted prior to December 1, 2011	$64.00

1.	Commercial, Industrial, Multi-Family (3-plex or more) and Other	Proposed Fee
b.	Project cost of $501 to $1,000	$64 for 1st $500 plus 8% of project balance
c.	Project cost of $1,001 to $10,000	$128.00 for 1st $1,000 plus 3% of project balance
d.	Project cost of $10,001 to $50,000	$514.00 for 1st $10,000 plus 0.7% of project balance
e.	Project cost of $50,001 or more	$943.00 for 1st $50,000 plus 0.4% of project balance

F. REQUESTED INSPECTIONS, SPECIFIC TIME INSPECTION REQUESTS AND REINSPECTION FEES

REQUESTED INSPECTION FEE: Requested inspections for projects for which there are no permits will be charged $36.00 for the first hour or fraction thereof, and $18.00 for each thirty minutes, or fractional part thereof, in excess of one hour. For the purpose of determining the cost of a requested inspection, the time shall include all travel, inspection, research and clerical time.

SPECIFIC TIME INSPECTION REQUESTS: This section allows a contractor or owner to request a specific time (within 10 minutes) for an inspection. A specific time may be requested between the hours of 9:30 a.m. and 3:30 p.m. Monday through Friday with the exception of holidays. The fee for each Specific Time Inspection Request is $52.00.

RE-INSPECTION FEE: A re-inspection fee of $36.00 may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections are not made.

This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of the applicable building, plumbing, electrical or mechanical code(s), but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

Re-inspection fees may be assessed when the inspection record card is not available on the work site; the approved plans are not readily available to the inspector, for failing to provide access on the date for which inspection is requested, or for deviating from the approved plans.

In instances where a re-inspection fee has been assessed, no additional inspections of the work, or project, will be performed until the re-inspection fee has been paid.
(Ord. 3453, 2011; Ord. 3444, 2010; Ord. 3432, 2010; Ord. 3417, 2010; Ord. 3382, 2008; Ord. 3349, 2007; Ord. 3326, 2006; Ord. 3297, 2005; Ord. 3260, 2004)

G. PLAN REVIEW FEE

When submittal documents are required, a plan review fee must be paid in addition to the building permit fee. The plan review fee shall be 20% of the building permit fee as established in Section 15.32.020(A).

The plan review fee must be paid before a building permit application is reviewed beyond the initial screening.

Additional plan review required by changes, additions or revisions to plans shall be charged at $48.00 per hour, with a minimum charge of one-half hour ($24.00). (Ord. 3453, 2011; Ord. 3444, 2010; Ord. 3432, 2010; Ord. 3417, 2010; Ord. 3417, 2010; Ord. 3382, 2008; Ord. 3349 §6, 2007)

H. REACTIVATION FEE

There is hereby established a reactivation fee $211.00 or the cost of the permit, whichever is less, for the following expired permits:

1. residential building permit
2. stand alone residential electrical, plumbing or mechanical permits
3. commercial building permit
4. commercial electrical permit
5. commercial plumbing permit
6. commercial mechanical permit

(Ord. 3453, 2011; Ord. 3444, 2010; Ord. 3432, 2010; Ord. 3417, 2010; Ord. 3382, 2008; Ord. 3349 §7, 2007)

Chapter 15.35

STREET NUMBERS

Sections:

15.35.010 Assignment.
15.35.020 Renumbering--Appeal--Failure to comply.
15.35.030 Numbering system.
15.35.040 Residential uses.
15.35.050 Commercial uses.
15.35.060 Numerals required--Size and reflective quality.

15.35.010 Assignment. For each lot or tract of land abutting any street or avenue in the city a street number shall be assigned by the city's Geographical Information Services (GIS) office. (Ord. 3492, 2013; Ord. 2116 §1, 1980).

15.35.020 Renumbering --Appeal--Failure to comply.

A. Whenever existing street numbers for structures:

(1) Are out of sequence;
(2) Indicate that the structure should be found on the other side of the street;
(3) Identify houses on corner lots as being on one intersecting street when by virtue of their access they should be on the other intersecting street;
(4) Need to be changed to bring numbers assigned by the county into conformity with numbers assigned by the city;
(5) Do not conform to the system and the modifications thereto used by the city's GIS office in assigning street numbers; or
(6) Do not comply with one or more of the other requirements of this chapter; the city's GIS office may order the owner or the affected property owner to change the number to one selected by the city's GIS office.

B. The order of the city's GIS office may be appealed by sending a written notice of appeal to the city council within thirty days of issuance of the order. The city council shall refer the appeal to an appropriate committee.

C. After hearing the appeal, the committee shall affirm, modify or rescind the city GIS office's order.

D. Upon expiration of the time for appeal or upon a decision of the appeal, the affected property owner shall change the house number as required by the city's GIS office or the city council. Failure to comply with the order shall constitute a misdemeanor. Each day shall constitute a separate offense. (Ord. 3492, 2013; Ord. 2116 §2, 1980).

15.35.030 Numbering system. The city GIS office shall assign numbers in accordance with the following system: The south side of streets running east and west shall bear odd numbers, and the north side of such streets shall bear even numbers. The west side of streets running north and south shall bear odd numbers and the east side of such streets shall bear even numbers. The city GIS office shall follow this system as they deem it applicable. Where problems arise in the application of the above system, the city GIS office shall have discretion to assign numbers or select such a numbering system as best meets the needs of the particular case. (Ord. 3492, 2013; Ord. 2116 §3, 1980).

15.35.040 Residential uses.

A. Street numbers shall be placed on the exterior wall of all residential structures in such a position as to be clearly visible from the public highway or street to which the number relates.
B. Where multi-family structures have separate street numbers for each unit, such numbers shall be placed on the doors or within three feet of the doors on adjacent walls. If such numbers are not clearly visible from the nearest public highway or

street, the numbers shall also be listed elsewhere on the premises on which the structure is located so as to be clearly visible from the public highway or street.

C. Street numbers for mobile homes shall be placed on exterior walls within three feet of the main entrances. If such numbers are not clearly visible from the public highway or street to which the number relates, the numbers shall also be listed elsewhere on the premises on which the structure is located so as to be clearly visible from such public highway or street. Where the city GIS office deems it necessary, he/she shall require the owners of mobile home parks to erect a map at the entrances thereto depicting the layout of streets and the location of lots to which street numbers are assigned.

D. Where multi-family structures have a primary street number to designate the structure and the secondary numbers or letters to designate individual units therein, the primary street number may be placed on the premises near the structure as well as on the exterior wall pursuant to subsection A of this section. Secondary numbers or letters designating individual units shall be placed on doors or on adjacent walls within three feet of the doors. (Ord. 3492, 2013; Ord. 2116 §4, 1980) .

15.35.050 Commercial uses. Nonresidential and mixed residential/nonresidential structures shall have street numbers displayed on exterior walls or doors. Multiple nonresidential uses of buildings shall be given separate street numbers only when there is a separate entrance from the street to such use. (Ord. 2116 S5, 1980).

15.35.060 Numerals required--Size and reflective quality. Every street number placed on an exterior wall or other structure as required by this chapter shall be expressed in numerals. The numerals shall either have a reflective surface or shall contrast distinctly with the background on which they are placed so that they are readily visible at night from the street to which the number relates. Numerals used on nonresidential and mixed residential/ nonresidential structures shall be at least four inches high. (Ord. 2116 §6, 1980).

Chapter 15.36

BUILDING CODE BOARD OF APPEALS

Sections:

15.36.010 Purpose.
15.36.020 Establishment and membership.
15.36.030 Powers and duties.
15.36.040 Staff support.
15.36.050 Meetings.
15.36.060 Operation of the board.

15.36.010 Purpose. It is declared to be the intent of the city to protect and promote the general welfare of the inhabitants of the city by establishing a building code board of appeals. (Ord. 2283 §1, 1982).

15.36.020 Establishment and membership. There is established a building code board of appeals, composed of seven members, one of which is an architect, one shall be a licensed engineer, one shall be a state licensed master electrician or an electrical engineer, one shall be a state licensed master plumber or a mechanical engineer, and three at large members. All appointees shall be persons who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the city jurisdiction. The mayor shall appoint members to the board to be confirmed by the city council. Terms of appointment shall be for three years. The two newly created positions shall be appointed for terms of two and three years respectively in order to stagger terms to assure continuity on the board. (Ord. 2758 §1, 1990; Ord. 2500 §1, 1986; Ord. 2479 §1, 1986; Ord. 2456 §1, 1985; Ord. 2437 §1, 1985).

15.36.030 Powers and duties.

A. The duties and powers of the city building code board of appeals shall be to serve as a board of appeals when the need arises pursuant to the various adopted state building codes. This board shall serve as the appeal board as required in the state adopted Building Code and including all its' ancillary codes, e.g.; Abatement of Dangerous Buildings, Electrical, Fire, Housing, Mechanical and Plumbing Codes. The duties and powers of the board shall be as authorized in the current edition of the Uniform Building Code to hear and decide appeals of orders, decisions or determinations made by the building official pertaining *to* the application and interpretation of the codes.

B. The building code board of appeals shall have the power expressly granted it by each specific uniform code after public notice and hearing, to determine the suitability of alternate materials and methods of construction, and to provide for reasonable interpretation of the provisions of the state adopted building codes as also adopted by the city. All decisions and findings by the board shall be rendered in writing to the appellant

with a duplicate copy to the city building official.

C. The board of appeals shall have no authority or power to waive any provisions or requirements of the current editions of the state adopted uniform building codes. (Ord. 2758 52, 1990; Ord. 2701 §1, 1989; Ord. 2283 §3, 1982).

15.36.040 Staff support. The building code board of appeals shall be served primarily by the building official, who shall be an ex officio member of the board and shall act as executive secretary. The building official shall have no authority to vote with board members upon any matter before the board. (Ord. 2701 S2, 1989; Ord. 2283 §4, 1982).

15.36.050 Meetings. The executive secretary of the board shall schedule all meetings of the board as required by law and applicable city ordinances. The executive secretary shall keep a record of all board actions in the form of minutes of the meeting. (Ord. 2283 55, 1982).

15.36.060 Operation of the board.

A. A quorum for the board shall be four members.

B. The board shall adopt its own bylaws, consistent with its powers and duties under the provisions of this chapter and other pertinent regulations. The executive secretary shall forward a copy of the board's bylaws to the city council as such laws are adopted.

C. No member of the board may vote on any project in which he/she or any partner has worked or has any *financ*ial, personal or other direct interest. (Ord. 2758 §3, 1990; Ord. 2283 56, 1982).

Chapter 15.38

ACCESSIBILITY STANDARDS

Commented [SR1]: Cristina to provide edits to the remaining 15.38 language to comply with the ARM

Sections:

15.38.010 Adoption by reference.
15.38.020 Applicability.
15.38.030 Copy On File.
15.38.040 Permit Required.
15.38.050 Permit—Application—Fee.
15.38.060 Permit Fee Exceptions.
15.38.070 Investigation Fees; Work without a Permit.
15.38.080 Permit Fee Refunds.
15.38.090 Plan Requirements.
15.38.100 Design Standards.

15.38.010 Adoption by reference. A The city adopts and incorporates by this reference, the Annotated rules of Montana ARM 24.301.9018.70.1501 through 24.301.9058.70.1505 as Missoula Municipal Code Chapter 15.38- Accessibility Standards. (Ord. 3131, 2000; Ord. 2562 §1, 1987).

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15.38.020 Applicability. The purpose of this code is to regulate the design and construction of buildings, and portions of buildings, site accessibility, exterior accessible routes and parking requirements to provide access for persons with disabilities. (Ord. 3131, 2000).

Commented [SR2]: Added this comment to UDC 6.3.01.A.3 -

Add new number for Site Accessibility with reference to 2017 ICC/ANSI A117.1 as required by ARM 24.301.904-24.301.905. This reference is being removed from Title 15 but needs to be covered in City Code.

"Parking facilities shall provide for site accessibility, to include exterior accessible routes and parking spaces, in accordance with 2017 ICC/ANSI A117.1 as required by the Administrative Rules of Montana 24.301.904 through 24.301.905."

15.38.030 Copy On File. The Annotated Rules of Montana ARM 24.301.9018.70.1501 through 24.301.9058.70.1505 are part of the currently adopted state building code and are utilized as the basis for establishing requirements and guidelines for the design and construction of buildings, routes thereto and parking requirements to accommodate persons with disabilities. A copy of ARM 24.301.9018.70.1501 through 24.301.9058.70.1505 shall be filed with the City Clerk of the City of Missoula for inspection by the public or, a copy may be viewed at the City of Missoula building Inspection Division as available. (Ord. 3131, 2000).

~~**15.38.040 Permit required.**~~

~~All new or altered off-street parking areas for public buildings must meet accessibility standards as set forth in Section 15.38.010 MMC. New off-street parking areas for public buildings must be constructed to these standards. Existing off-street parking areas for public buildings that are being altered or reconfigured must be upgraded to these standards. The construction of a public building, or alteration to a primary function area of a public building, which must meet the requirements of Title 20 MMC, regarding parking, shall require a Parking Lot Permit. The term "public building" as used in this section means a building or facility owned or operated by a government entity, or a private sector building or facility that is open to members of the public, as established in 50-60-101 MCA.~~

~~Any new building or facility which requires a building permit and is subject to site accessibility requirements per Section 15.38.010 MMC, which must meet the off street parking requirements of Title 20 MMC, shall require a Parking Lot Permit. Routine maintenance of an existing parking area, such as asphalt maintenance, or repainting of existing parking stripes, shall not require a Parking Lot Permit. It shall be unlawful for any person, firm or corporation to perform the following work on sites subject to accessibility requirements per Section 15.38.010 without first obtaining a Parking Lot Permit from the Development Services :~~

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~~(1) Construct a new off-street parking area;~~

Chapter 15.44

OVERSIZE LOADS AND HOUSE MOVING *

Sections:

15.44.010 Purpose.
15.44.020 Scope.
15.44.030 Permit.
15.44.040 Permit - Completion requirement.
15.44.050 Permit - Fees.
15.44.060 Grounds for refusal of permit.
15.44.070 Permit duties for the mover.
15.44.080 Identification mark.
15.44.090 Storage of building.
15.44.100 Supervision of house moving.
15.44.110 Violation - Penalty.

*Prior history: Prior Code §§5-9--5-15 and Ord. 2162.

15.44.010 Purpose. The purpose of this chapter is to provide safeguards to life, limb, health, property and public welfare by regulating and controlling the moving of any oversize load, house, building or part thereof into, out of, within or through the City. (Ord. 3448, 2010; Ord. 2357 §4, 1983)

15.44.020 Scope. . The provisions of this chapter shall include, when appropriate: the restoration of the original structure site, the intended site, the movement between sites, and any temporary storage sites. "Oversize load", "House" or "building" includes all oversize loads, houses and buildings or any part thereof that comes within the scope of this chapter, and as defined in the provisions of Title 61 of the Montana Code Annotated (MCA).

The provisions of this chapter shall apply to any oversize load, house, building, or part thereof which is:

(1) outside the City intended to be relocated within the City;
(2) within the City being relocated outside the City limits;
(3) within the City and being relocated within the City; and being moved through the City on City streets.
(Ord. 3448, 2010; Ord. 2485 §1, 1986; Ord. 2357 §5, 1983).

15.44.030 Permit.

A. Permit Required. Except as provided in subsection B of this section, no person, partnership, corporation, firm or association shall move an oversize load, house or building or part thereof into, out of, within, or through the City without first obtaining an oversize load/housemover's license pursuant to Chapter 5.70 of this code and

house or building or any part thereof that is moved separately and whose size comes within the provisions of this chapter. The **building official** shall assure that the oversize load, house or building that originates within the City limits is inspected prior to the move in order to ensure that it can be safely moved through the city streets pursuant to the provisions of this chapter.

B. Exceptions to Required Permit or Oversize Load/Housemover's License.

1. Neither a moving permit nor an oversize load/housemover's license is required pursuant to this chapter for the moving of a mobile home and similarly sized factory-built buildings.

2. The operation or movement of a vehicle, combination of vehicles, load, object or other things of a size or weight not exceeding the maximum specified in Sections 61‐ 10‐ 101 through 61‐ 10‐ 110, MCA, and which move can be legally accomplished without an oversize permit from the State (pertaining to the size, weight and load regulations for motor vehicles upon any highway within the state) shall not require an oversize load/housemover's license or permit when operated or moved upon a street or highway. Standard maximum dimensions pursuant to Montana state law are:

a. Total outside width loaded or unloaded of one hundred two inches (eight and one‐ half feet);
b. Overall length inclusive of front and rear bumpers, whether unladen or with load, forty feet;
c. A vehicle unladen or with load may not exceed a height of thirteen feet six inches. See Sections 61‐ 10-102 through 61‐ 10‐ 104, MCA.

3. No city oversize load/housemover's license or permit shall be required where the movement of any oversize load, house, building, or part thereof that is being moved through the City from a location outside the City to a different location outside the City only when the moving route used within the City is solely Highway 93 if the move does not involve physical contact with or require the movement, adjustment or stoppage of a traffic‐ control signal, traffic flow is not adversely affected for more than ten (10) minutes, the oversize load does not exceed the overweight limit as defined by the Montana Department of Transportation, and as long as the move is made in compliance with Montana state law and administrative regulations applicable to motor vehicle traffic and house movers.

4. The movement of any of the excepted loads identified in this chapter must comply with all other City ordinances pertaining to motor vehicle traffic, including but not limited to, compliance with City truck route regulations to the extent feasible. Further, if the house or building being moved within the City is to be relocated within the City, the relocation of the house or building must be in compliance with all city ordinance provisions, including but not limited to, compliance with all City zoning, building and fire regulations.

C. Application. The application for a moving permit shall be filled out with the information required in this section:

1. All permit requests shall include:

a. Information with Respect to Mover. Name; address; state housemover's license number;

b. A description of the oversize load or building proposed to be moved, giving construction materials, dimensions, and conditions of exterior;

c. Proposed moving date(s) and time(s) and anticipated time length of move;

d. List complete moving route including a traffic control plan for approval by the following City departments:

i. Public works
ii. Park Department
iii. Police Department
iv. Fire Department
v. Development Services

e. Further, the mover shall comply with all provisions of state laws and Administrative Rules of Montana pertaining to notifying and working with all utilities in order to accomplish the movement of any oversize load, house or building or part thereof in a safe manner. The mover shall consult with all utilities as to the most appropriate traffic route for a movement of any house or building or part thereof.

2. Permit requests for house or building moves must also include:

a. If original site is within the city the applicant shall provide the name of building owner; address of site; legal description; bond owner and bond number for restoration.

b. If destination site is within the city the applicant shall provide:

i. Name of owner; address of site; legal description; current zoning.

ii. Zoning Review. The City Zoning Officer must review the site plan and other materials submitted in this section and determine that the building, as relocated, will meet all requirements of Title 20 of this code pertaining to zoning.

iii. Building Permit Review and Permit. An approved City Building Permit will be required for any buildings relocated within the City limits

(Ord. 3492, 2013; Ord. 3448, 2010; Ord. 2485 §2, 1986; Ord. 2357 §6, 1983).

15.44.040 Permit--Completion requirement. Any oversize load, house or building or part thereof moved into, out of, within or through the City shall be accomplished in accordance with the building codes and following procedures:

A. If the permit is for a house or building and the original site is within the city; prior to the issuance of the moving permit, the real property owner, or representative thereof shall present a bond for twenty thousand dollars ($20,000) to guarantee that the existing site shall be satisfactorily restored to protect public health and safety and the aesthetic quality of the site within forty five days of the date of the issuance of the moving permit.

B. The time limits in subsections A may be extended by the Building official. The decision to extend or not extend a deadline may be appealed to the City Council.

C. If the City determines that any site restoration was not done to City standards, the City may draw upon either the bond of the moving contractor or the property owner of the existing site.

D. The physical move shall be completed on the date and time indicated on the permit or as extended by the Development Services Director taking into consideration the Administrative Rules of Montana and all state law pertaining to authorized time(s) allowed for moving oversize loads, houses or buildings
(Ord. 3492, 2013; Ord. 3448, 2010; Ord. 2629 §1, 1988; Ord. 2357 §7, 1983).

15.44.050 Permit--Fees. Fees for the issuance of a permit to move any oversize load, house or building shall be established and/or amended by City Council after conducting a public hearing.. If any one measurement of the building exceeds the maximum given in any one fee schedule, the fee shall be determined by the next larger schedule. Permit fees shall be deposited in the City General Fund.

(Ord. 3527, 2014; Ord. 3501 §9, 2013; Ord. 3492, 2013; Ord. 3448, 2010; Ord. 2485 §3, 1986; Ord. 2357 §8, 1983) .

15.44.060 Grounds for issuance of permit. he Building official may issue a moving permit only once he or she verifies:

A. That any application requirement of any fee, deposit or bonding requirement has been complied with;

B. That the process for granting any State or Federal oversize loads permits or permissions to proceed fully addresses and mitigates impacts identified by the City as determined by Development Services, Public Works Department and/or the Police Department.

C. That the oversize load or building is not too large or heavy to move without endangering persons or private or public property, including trees, buried utilities and other public improvements as determined by the Building official in consultation with the Public Works Director;

D. That the oversize load or building is not in such a state of deterioration, disrepair or otherwise so structurally unsafe that it can be moved without endangering persons and property in the city as determined by the Building official;

E. That the oversize load or building is structurally safe and fit for the purpose of its intended future use if the relocation site is in the City as determined by the Building official;

F. That the applicant's equipment to be used for moving the oversize load, house or building or part thereof is safe and that persons and property will not be endangered by its use as determined by the Building official;

G. That City Zoning, Building, Fire or other codes or ordinances would not be violated by the building in its new location, if the relocation site is in the City;

H. That for any other reason persons or property in the city would not be endangered by the moving of the oversize load, house or building as determined by the Building official, Public works Department, Development Services and/or the Police Department;

I. That the proposed route would not cause excessive traffic congestion as determined by the Public Works Department, Development Services Department and/or the Police Department;

J. That the time period in which the move would be taking place would not cause excessive traffic congestion as determined by the Public Works Department, Development Services Department and/or the Police Department.
(Ord. 3492, 2013; Ord. 3448, 2010; Ord. 2357 §9, 1983).

15.44.070 Permit duties of the mover. The duties of the permittee shall be as follows:

A. To move the oversize load, house or building or any part thereof that comes within the scope of this chapter only over streets designated for such use in the written permit. If an emergency arises during the move, the mover may make slight changes in the route as long as the changes can be achieved without unduly endangering persons or property.

B. To request in writing any change in the moving date or hours approved in the application. Such changes must be approved in writing by the Building Official.

C. To notify the Building Official in writing of any and all damage done to property within a public right‐of‐way within twenty‐four hours after the damage or injury occurred, and further comply with all state law accident reporting procedures.

D. To cause flashing yellow lights to be displayed on every side of the oversize load, house or building or part thereof if it is temporarily parked on a street or anywhere else within the public right‐of‐way. The flashing yellow lights shall be placed in such a manner as to warn the public of the obstruction.

E. At all times erect and maintain barricades across the street in such manner as to protect the public from damage or injury.

F. To remove the oversize load, house or building or part thereof from the public right-of-way after two days of such occupancy unless an extension is granted by the Building Official.
(Ord. 3492, 2013; Ord. 3448, 2010; Ord. 2357 §10, 1983).

15.44.080 Identification mark. All oversize loads, houses or buildings or parts thereof to be moved shall during the process of being moved have prominently displayed on the oversize load, house or building or part thereof both the name of the moving contractor and the moving permit number by which the oversize load, house or building or part thereof can be readily identified. Such identifying mark shall be placed on the house or building or part thereof prior to moving. (Ord. 3448, 2010; Ord. 2357 §11, 1983).

15.44.090 Storage of building. If a permanent relocation site for a house or building or part thereof that is to be moved pursuant to this chapter is unavailable at the time an initial move via or across any street or roadway is necessitated for whatever reason, and the relocation is for a period in excess of seventy‐two hours, the building may be stored at a temporary storage location off public right-of-way. This will be handled as the receiving site on the permit application. The temporary storage shall be for a period of no more than forty‐five days. Buildings may be stored indefinitely on an area zoned M2-4 so long as they comply to the extent possible with the zoning provisions applicable to an M2-4 zone. At any time during the storage period the building official may order the stored building moved to another location if he or she determines that the storage constitutes a danger to the public health, safety and welfare. (Ord. 3448, 2010; Ord. 2357 §12, 1983).

15.44.100 Supervision of move. The actual oversize load, house, or building movement shall be under the supervision of the Building Official, who shall determine any precautions deemed advisable for the protection of the streets, abutting structures, trees, foliage or any other property of the city. No oversize load, house or building or part thereof shall be moved without pilot vehicles or flag persons front and rear on any oversize load, house or building or part thereof twelve feet or more in width; or over thirty‐six feet in length or more; or over twelve feet six inches in height. Such pilot cars or flat persons are to be provided by the mover at the

mover's expense. No oversize load, house or building or part thereof shall be moved which shall cause an extensive deprivation of any public utility service to the citizens of the city. Whenever in the judgment of a city department the moving of an oversize load, ~~a~~ house or building or part thereof requires tree trimming, and/or removal and replacement of facilities by city forces, the costs of such work shall be borne by the permittee. Payments for those costs shall be made within five city business days of the date the costs are incurred and prior to the city's release of the mover's bond.
(Ord. 3492, 2013; Ord. 3448, 2010; Ord. 2357 §13, 1983).

15.44.110 Repealed. (Ord. 3448, 2010; Ord. 2357 §14, 1983).

Chapter 15.46

VOLUNTARY RESIDENTIAL INSPECTION PROGRAM

Sections:
15.46.010 Voluntary Residential Inspection Program
15.46.020 Purpose
15.46.030 Definitions
15.46.040 Housing Inspection Checklist
15.46.050 Residential Inspection Certificate
15.46.060 Inspection Fee
15.46.070 Landlord Retaliation
15.46.080 Code Enforcement and Education Officer
15.46.090 Education Program

15.46.010 Voluntary Residential Inspection Program. There is hereby created a Voluntary Residential Inspection Program to promote the health and safety of residents. Any individual can request an inspection of their residential dwelling unit. Request for such an inspection should be submitted in writing to the Code Enforcement and Education Officer at the City Building Department, along with payment of the inspection fee as set forth in this Chapter. A request for inspection may be made by the subject property's owner, landlord, agent, property manager, or tenant. Upon receipt of the written request form and the inspection fee, the City of Missoula Code Enforcement and Education Officer shall conduct an inspection of the property designated for inspection by the individual making the request. The inspection fee and the checklist of items intended to be inspected shall be adopted by the City Council through a resolution. (Ord. 3373 §1, 2008)

15.46.020 Purpose. The purpose of the Voluntary Residential Inspection Program is to improve the quality of residential structures in the City of Missoula to protect the health and safety of its residents. (Ord. 3373 §2, 2008)

15.46.030 Definitions.
A. "Housing Inspection Checklist" shall be a checklist which shall establish primary health and safety concerns to be inspected during a Residential Inspection.
B. "Residence" means a structure or the part of a structure that is used as a residence, or sleeping place by a person who maintains a household, or by two or more persons who maintain a common household. (Ord. 3373 §3, 2008)

15.46.040 Housing Inspection Checklist. The residential inspection is not intended to investigate and discover any and all possible code violations in a residential dwelling unit. The purpose of the Voluntary Residential Inspection program is to inspect for those major safety concerns which constitute a substantial health and safety risk to the occupants or owners. To further this intent, the City of Missoula has adopted a Housing Inspection Checklist, which lists the major areas of violation which the Code Enforcement and Education Officer will focus on when conducting a residential inspection. When conducting a residential inspection, the Code Enforcement and Education Officer shall inspect for the items listed on the checklist, and will either approve the residence as passing the items on the Housing Inspection Checklist, or fail the residence for violating safety concerns on the Housing Inspection Checklist. If the residence fails, the Code Enforcement and Education Officer may, depending on the severity of the violation, require appropriate action be taken by the residential landowner to comply with the applicable building codes. (Ord. 3373 §4, 2008)

15.46.050 Residential Inspection Certificate. If the residence is approved as having passed the Housing Inspection Checklist, the Code Enforcement and Education Officer shall issue a Certificate of Inspection certifying that the property passed the Housing Inspection checklist as of the date of inspection. A copy of the Housing Inspection checklist will be provided to the individual making the inspection request. In the event the request was made by a tenant, a copy of the Housing Inspection Checklist will be provided to both the tenant and the landlord. The Residential Inspection Certificate will certify the condition of the residence according to the items covered on the Housing Inspection Checklist as of the date of the inspection. Publicity or advertising

references to a certificate of inspection shall be accompanied by the date on which the certificate was granted. (Ord. 3373 §5, 2008)

15.46.060 Inspection Fee. An inspection fee shall be paid to Development Services prior to any residential inspection being conducted under this ordinance. A fee schedule shall be adopted, and modified from time to time, by the Missoula City Council. (Ord. 3492, 2013; Ord. 3373 §6, 2008)

15.46.070 Landlord Retaliation. Section 70-24-431, Montana Code Annotated provides for civil redress of retaliatory action against tenants complaining to a government agency of health and safety issues. Retaliatory conduct includes, but may not be limited to, increasing rent, reducing services, or beginning eviction and/or termination of lease proceedings. Redress for potential violations under §70-24-431, MCA, must be sought in civil court. Elected officials, employees, or agents of the City of Missoula are not empowered to enforce this specific provision of the Montana Code Annotated. (Ord. 3373 §7, 2008)

15.46.080 Code Enforcement and Education Officer. The city establishes the new position, which shall be called the Code Enforcement and Education Officer, for the city and its jurisdictional area. The Code Enforcement and Education Officer shall be the City Building Official or their designee. The primary duties shall be implementing the Voluntary Residential Inspection Program and creating and implementing an education program to support and further the purposes of the Voluntary Residential Inspection Program. (Ord. 3373 §8, 2008)

15.46.090 Education Program. The Code Enforcement and Education Officer shall create an education program targeting homeowners, landlords and tenants. This focus of this program shall be educating homeowners, landlords and tenants about safety and health issues and how to ensure safety and health situations are remedied and applicable building codes are maintained. The Code Enforcement and Education Officer shall work with the ASUM Off-Campus Renter Center, real estate agents, property management associations and/or companies, and all other interested agencies or parties to further the purpose of the education program. (Ord. 3373 §9, 2008)

Chapter 15.48

ALARM SYSTEMS

Sections:

15.48.010 Title and purpose.
15.48.020 Definitions.
15.48.030 Alarm user permits required- Fee- - Renewal.
15.48.040 Application for alarm permit- - Emergency notification and reporting service information.
15.48.050 Issuance of permit decals.
15.48.060 Necessary items for alarm systems to qualify for an alarm user permit.
15.48.070 Response to alarm- - Determination of validity.
15.48.080 Appeals.
15.48.090 Fee assessment for alarm user permits.
15.48.100 Automatic telephone dialing alarm systems prohibited.
15.48.110 Summary table of police and fire response guidelines and service charges for false alarm responses during a given alarm permit year.
15.48.120 Equipment standards.
15.48.130 Police or fire department notification prior to installation.
15.48.140 User response.
15.48.150 Violation- - Penalty.

15.48.010 Title and purpose. This chapter shall be known as the "Alarm Systems Ordinance." False alarms are a matter of public concern that represent a danger to the citizens and police or fire officers of the city. Alarms necessitate immediate police or fire department response, frequently requiring police or fire officers to proceed through traffic at high rates of speed. Such situations create stress since the officer must immediately prepare mentally and physically for any necessary action at the premises where the alarm is activated. The purpose of this chapter is to deter or eliminate false alarms and the resulting dangers. (Ord. 3325, 2006; Ord. 3150, 2000; Ord. 2496 §2(1), 1986).

15.48.020 Definitions. Unless the context clearly indicates otherwise, the following definitions apply:

A. "Alarm business" means the business of any individual, partnership, corporation or other entity engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm

system or in causing any alarm system to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed in or on any building, structure or facility.

B. "Alarm permit" means a permit issued by the city allowing the operation of an alarm system within the city.

C. "Alarm system" means any assembly of equipment, mechanical or electrical, arranged to signal an occurrence of an illegal entry or other activity requiring urgent attention and to which the police or fire department is expected to respond.

D. "Alarm user" means the person, firm, partnership, association, corporation, company or organization of any kind in control of a building, structure or facility or portion thereof wherein an alarm system is maintained.

E. "Automatic telephone dialing alarm system" means the automatic dialing device or an automatic telephone dialing alarm system. This shall include any system which, upon being activated, automatically transmits by telephone or telephone line to the city police or fire department, a recorded message or code signal indicating a need for emergency response; or a system which, upon activation, connects to an answering service whose function is to transmit to the city police or fire department a need for emergency response.

F. "False alarm" means an alarm signal eliciting a response by police or fire department when a situation requiring a response by the police or fire department does not in fact exist. This definition does not include an alarm signal caused by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user.

G. "Hearing officer" means an employee of the city designated by the chief of police to act as an impartial arbitrator at hearings related to the enforcement of this chapter.

H. “Alarm Service Provider” means the business that receives the alarm signal and transmits the alarm message to the Missoula 911 Center for dispatch of police or fire. (Ord. 3325, 2006; Ord. 3150, 2000; Ord. 2496 §2(2), 1986).

15.48.030 Alarm user permits required - - Fee - - Renewal.

A. It is unlawful for any person to use or operate an alarm system without a valid alarm user permit. Violation of this section shall be a misdemeanor, punishable by up to a $500.00 fine.

B. Initial (first) year: Alarm user permits shall be submitted to the city upon application and payment of a twenty-six dollar (26.00) registration fee, or, the alarm company or individual that installs the alarm will be responsible for the paperwork and filing of the initial (first) year’s alarm permit application.

C. Such applications must be made to the city police department. The department may issue permits to alarm users after completion of final inspection by police or fire officials as needed, if any, and payment of the twenty-six dollar (26.00) registration fee.

D. No alarm user registration fee shall be required from any unit or agency of the federal government or from any unit, agency or political subdivision of the state.

E. All alarm user permits shall expire the thirtieth day of June of each year and must be renewed within thirty days of the expiration date on the permit. Renewal permits will be issued after completion of an application form and the payment of a twenty-six dollar (26.00) renewal fee. Exception: permits for a premises that has had no false alarms during the preceding alarm permit year will be renewed after completion of an application, but without the necessity of paying any renewal fee.

F. If a business has one or more alarm systems protecting two or more separate structures having different addresses, a separate permit will be required for each structure.

G. Subsections B through E of this section shall not apply in those situations where alarm user permits have been revoked pursuant to the provisions of this chapter. (Ord. 3325, 2006; Ord. 3150, 2000; Ord. 2496 §2 (3) , 1986) .

15.48.040 Application for alarm permit- - Emergency notification and reporting service information. Applications for alarm permits shall be made on forms provided by the police department. Each application shall be accompanied by a fee of twenty-six dollars (26.00). The application shall state name, address, and telephone number of the applicant's property to be serviced by the alarm, and the name, address and telephone number of the applicant's residence, if different. If the applicant's alarm is serviced by an alarm company, then the applicant shall also include the name, address and telephone number of the company. Each permit shall be valid until the thirtieth day of June each year.

A. Each application shall list an emergency telephone number of the user or his representative to permit prompt notification of alarm calls and of facilities assisting the police in the inspection of the property. Changes in emergency telephone numbers shall be kept current, and failure to provide updated information may constitute grounds for revocation of the permit.

B. Reporting Service Information. Each holder of an alarm user permit shall immediately notify the police department in writing of any and all changes in the information on file with the city regarding such permit. Failure to do so shall constitute grounds for revocation of the permit. (Ord. 3325, 2006; Ord. 2496 §2 (4), 1986).

C. The owner of the alarm will provide to their “alarm service provider” the City of Missoula alarm permit number and the days/hours of normal operation. (Ord. 3325, 2006; Ord. 3150, 2000; Ord. 2496 52(5), 1986).

15.48.050 Issuance of permit decals. A decal with the alarm user's permit number, name of business, or residence owner's name, and permit address will be issued with the alarm user permit. This decal must be prominently posted on or near the front entrance to the premises so that the information provided on the decal is visible from the outside of the structure. (Ord. 3325, 2006; Ord. 3150, 2000)

15.48.060 Necessary items for alarm systems to qualify for an alarm user permit.

A. All alarm systems shall have a backup power supply that will become effective in the event of a power failure or outage in the source of electricity from the utility company.

B. All alarm systems will have an automatic reset which silences the enunciator within ten minutes after activation and which will not sound again as a result of the same event that produced the original activation, excluding fire alarms. (Ord. 3325, 2006; Ord. 3150, 2000; Ord. 2496 §2 (6) , 1986) .

15.48.070 Response to alarm- - Determination of validity

A. An alarm user will provide the alarm service provider with the days/hours of normal business operation. If an **intrusion** alarm (except robbery/distress alarms) occurs during normal days/hours of business operation, prior to requesting the Missoula 911 dispatch police or fire, the alarm service provider will verify the alarm and need for response. **Exception**: Fire, Robbery, and Distress alarms will be dispatched as agreed between the alarm service provider and the alarm user, regardless of time of day. Verification is still recommended, but not required.

B. Whenever an alarm is activated in the city, thereby requiring an emergency response to the location by police or fire department, a police or fire officer on the scene of the activated alarm system shall inspect the area protected by the system and shall determine whether: (a) the emergency response was in fact required as indicated by the alarm system; (b) whether the alarm system malfunctioned in some way and thereby activated a false alarm; or (c) went off even though no bona fide emergency situation existed, thereby resulting in a false alarm situation.

C. If the police or fire officer at the scene of the activated alarm system determines the alarm to be false, said officer shall make a report of the false alarm. Notification shall be mailed or delivered to the alarm user at the address of the said alarm system installation location, advising the alarm user of the false alarm.

D. The chief of police or fire, or his designee, shall have the right to inspect any alarm system on the premises to which a response has been made and he may cause an inspection of such system to be made at any reasonable time thereafter to determine whether it is being used in conformity with the terms of this chapter.

E. Under certain conditions a false alarm is the fault of neither the alarm system nor the alarm user (e.g., inclement weather). In such circumstances, the alarm user will not be found in violation of a false alarm. (Ord. 3325, 2006; Ord. 3150, 2000; Ord. 2496 §2(7), 1986) .

15.48.080 Appeals.

A. A hearing officer shall be appointed by the chief of police to hear appeals from alarm users on the issue of whether the alarm system in question activated a false alarm, as determined by a police or fire officer at the scene of such activated alarm.

B. Upon the mailing of any false alarm report to the alarm user from the city, the alarm user shall have ten (10) days, orally or in writing, to request a hearing before the said hearing officer.

C. At the hearing, which must be scheduled and concluded within fifteen (15) days from the date the request for same is received, the alarm user shall have the right to present evidence and testimony.

D. The hearing officer shall make written findings available to the alarm user and the chief of police within ten (10) days from the date the hearing is concluded.

E. A decision by the chief of police, or his designee, to uphold or to cancel the false alarm report which is the subject of this section must be made within ten (10) days from the receipt of the above findings by the chief of police.

F. Until all the steps set forth in this section have been completed, the alarm event in question will be considered to be a false alarm and will be considered the basis for the prima facie presumption that the involved alarm system is either malfunctioning or activating itself when no genuine emergency exists (Ord. 3325, 2006; Ord. 3150, 2000; Ord. 2496 §2(8), 1986).

15.48.090 Fee assessment for alarm user permits.

A. It is found and determined that more than two (2) false alarms within any permit year is excessive and constitutes a public nuisance.

B. The activation of three or more false alarms within a permit year will be handled according to the following schedule: 15.48.110.

C. For the purpose of this section, a permit year will extend from date of issuance to June 30 of each year. False alarms occurring during each permit year shall be handled in the manner set forth in subsection D and E of this section.

D. Each service charge shall be considered a bill owed by the user to the city and collectible through city municipal civil court action if necessary to obtain collection.

E. If an alarm user does not have a valid city alarm permit that is current and in full force and effect, the alarm user should not expect to receive police department response whenever an alarm is activated at any premises where an alarm is in use. (Ord. 3325, 2006; Ord. 3150, 2000; Ord. 2496 §2(9), 1986).

15.48.100 Automatic telephone dialing alarm systems prohibited.

A. It is unlawful for any person, firm, or corporation to sell, offer for sale, install, maintain, lease, operate or assist in the operation of an automatic telephone dialing alarm system over any telephone lines used exclusively by the public to directly request emergency service from the Missoula Police Department.

B. The chief of police, or his designee, when he has knowledge of the unlawful maintenance of an automatic telephone dialing alarm system, installed or operated in violation of subsection A of this section shall, in writing, order the owner, operator or lessee to disconnect and cease operation of the system within seventy-two (72) hours of receipt of the order.

C. Any automatic telephone dialing system installed unlawfully, as set forth in subsection A of this section, prior to the effective date of the ordinance codified in this chapter shall be removed within thirty (30) days of the order as contained in subsection B of this section. (Ord. 3325, 2006; Ord. 3150, 2000; Ord. 2496 §2(10), 1986).

15.48.110 Summary table of police response guidelines and service charges for false alarm responses.

The summary table of police response guidelines for false alarm responses shall be as follows:

A. 1st false alarm requiring police or fire department response: free.

B. 2nd false alarm requiring police or fire department response: $52.00 service charge. Service charge is waived if the alarm user provides to the Police Department within ten (10) working days a letter of finding, describing the cause of the false alarm and the corrective action taken to eliminate future false alarms.

C. 3rd false alarm requiring police or fire department response: $52.00 service charge. Service charge is waived if the alarm user provides to the Police Department within ten (10) working days a letter of finding, describing the cause of the false alarm and the corrective action taken to eliminate future false alarms.

D. 4th false alarm requiring police or fire department response: $104.00 service charge and a letter of finding from the alarm company describing the cause of the false alarm and the corrective action taken to eliminate future false alarms.

E. 5th false alarm requiring police or fire department response $208.00 service charge. Requires an onsite inspection with the Missoula Police Department, the owner of the alarm, and the alarm company.

F. 6th false alarm requiring police or fire department response: $416.00 service charge, with an automatic suspension of police response for the remainder of the year. When an alarm has been suspended or revoked, the police will notify the alarm service provider that the Police Department will not respond to alarms for the remainder of the permit year and subsequently will do so only after a new permit has been issued. (Ord. 3325, 2006; Ord. 3150, 2000; Ord. 2496 92(11), 1986).

15.48.120 Equipment standards. It shall be the responsibility of the owner of the building to have an annual maintenance performed on all alarm systems as required by N.F.P.A. 72. If deficiencies are found during the annual maintenance, it shall be the owner's responsibility to correct them. The owner or occupant shall provide proof of annual maintenance on site. All work on the alarm systems is required to be performed by someone licensed by the State of Montana. All equipment used in installations for which a permit is required shall meet the applicable standards of the Underwriters Laboratories and/or the National Fire Protection Association or other recognized industry standard. Applicant may be required to submit evidence of the reliability and suitability of the equipment to be installed. (Ord. 3325, 2006;Ord. 3150, 2000; Ord. 2496 §2(12), 1986).

15.48.130 Police or fire department notification prior to installation. No audible-type burglary and/or robbery and/or fire alarm system shall be installed or maintained on any premises within the city until such time as the police or fire department has been so advised in writing and provided with a list of the telephone numbers and addresses at which the person or persons authorized to enter such premises may be reached. (Ord. 3325, 2006; Ord. 3150, 2000; Ord. 2496 §2(13), 1986).

15.48.140 User response. Upon the notification of an alarm, and the request of the police or fire department, an alarm user or his agent shall immediately go to the scene of such alarm and assist the police or fire department in determining the possible cause of such alarm.

When a reasonable suspicion exists for the police or fire to require the presence of the alarm user or their representative for inspection of the premise and the response is declined or a responder cannot be located, police response to future alarms will be suspended. It will be resumed only after a meeting between the alarm user and the police hearing officer to ensure that a non response does not recur. The alarm permit may be suspended for the remainder of the permit year. (Ord. 3325, 2006; Ord. 3150, 2000; Ord. 2496 §2(14), 1986).

15.48.150 Violation - - Penalty. Operating an alarm system without a valid city alarm user's permit or pursuant to a revoked alarm user's permit shall be a misdemeanor, punishable by a fine of up to five hundred dollars ($500.00). (Ord. 3325, 2006; Ord. 3150, 2000; Ord. 2496 §2 (15) , 1986) .

Chapter 15.52

BUILDING SECURITY CODE

Sections:

15.52.010 Applicability of chapter.
15.52.020 Definitions.
15.52.030 Alternate materials and methods of construction.
15.52.040 Tests.
15.52.050 Enforcement.
15.52.060 Owner responsible for compliance.
15.52.070 Exceptions.
15.52.080 Private dwellings - - Exterior doors.
15.52.090 Private dwellings - - Sliding patio type doors.
15.52.100 Private dwellings - - Garage doors.
15.52.110 Private dwellings - - Windows.
15.52.120 Multiple dwellings - - Exterior doors.

15.52.130 Multiple dwellings - - Sliding patio type doors.
15.52.140 Multiple dwellings - - Garage doors.
15.52.150 Multiple dwellings - - Swinging doors.
15.52.160 Multiple dwellings - - Windows.
15.52.170 Commercial dwellings - - Exterior doors.
15.52.180 Commercial buildings - - Glass windows.
15.52.190 Commercial buildings - - Accessible transoms.
15.52.200 Commercial buildings - - Roof openings.
15.52.210 Commercial buildings - - Special security measures.
15.52.220 Commercial buildings - - Intrusion detection devices.
15.52.230 Violations - - Penalties.

15.52.010 Applicability of chapter. The provisions of this chapter shall apply to new construction and to buildings or structures to which additions, alterations or repairs are made except as specifically provided in this chapter. When additions, alterations or repairs within any twelve - month period exceed fifty percent of the - replacement value of the existing building or structure, the building or structure shall be made to conform to the requirements for new buildings or structures. (Prior Code §5 - 16).

15.52.020 Definitions. Certain terms are defined as follows:

A. "Burglar - resistant material" means framed glazing material that will withstand the impact of a five - pound steel ball dropped from a height of forty feet and five impacts from a height of ten feet concentrated within a five - inch diameter area of the surface without release from the frame.

B. "Cylinder guard" means an exposed free - turning collar, cast or machined from a solid bar, surrounding the exposed portion of the lock cylinder and is so fastened to completely encase the cylinder. The cylinder guard shall have a minimum taper of fifteen degrees. The cylinder guard shall form the exterior trim of the lock to protect the lock cylinder against wrenching, prying, cutting, or pulling attack tools.

C. "Dead bolt" means a bolt with a free - turning, casehardened steel insert having a minimum projection of one inch which has no automatic spring action and is operated by a key from outside and by a key cylinder, thumbturn, or lever from the inside and is positively held fast in the projected position.

D. "Deadlocking latch" means a latch with a minimum projection latch bolt of one - half inch and is positively held in the projected position by a guard bolt, plunger or auxiliary mechanism.

E. "Latch" means a device for automatically retaining the door in a closed position upon its closing.

F. "Louvers" means a series of fixed - slanted or movable slats. (Glass - louvered is descriptive of jalousies. Glass, wood or metal jalousies are considered to be louvers. Awning windows having sections more than twelve inches in depth are not considered to be louvers.)

G. "Wrought box strike" means a steel box installed under the strike recessed to receive the deadbolt when projected. (Prior Code §5 - 17).

15.52.030 Alternate materials and methods of construction.

A. The provisions of this chapter are not intended to prevent the use of any material or method of construction not specifically prescribed by this chapter, provided any such alternate has been approved, nor is it the intention of this article to exclude any sound method of structural design or analysis not specifically provided for in this chapter. Structural design limitations given in this chapter are to be used as a guide only, and exceptions thereto may be made if substantiated by calculations or other suitable evidence prepared by a qualified person.

B. The enforcing authority may approve any such alternate, provided, he finds the proposed design is satisfactory and the material, method or work offered is, for the purpose intended, at least equivalent of that prescribed in this chapter in quality, strength, effectiveness, burglary resistance, durability and safety. (Prior Code §5 - 18).

15.52.040 Tests. Whenever there is insufficient evidence of compliance with the provisions of this chapter or evidence that any material or any construction does not conform to the requirements of this chapter, or in order to substantiate claims for alternate materials or methods of construction**,** the enforcing authority may require tests as proof of compliance to be made at the expense of the owner or his agent by an approved agency. (Prior Code §5‐ 19).

15.52.050 Enforcement.

A. The provisions of this chapter shall be included in the building code and enforced by the building superintendent.

B. Enforcement of this division should be developed with the cooperation of the local fire authority to avoid possible conflict with fire laws. (Prior Code §5‐ 20, 5‐ 29 (part), 5‐ 34(part), 5‐ 40 (part)).

15.52.060 Owner responsible for compliance. The owner or his designated agent shall be responsible for compliance with the specifications set forth in this chapter. (Prior Code §5‐ 21).

15.52.070 Exceptions. No portion of this chapter shall supersede any local, state or federal laws, regulations, or codes dealing with the life‐ safety factor. (Prior Code §§5‐ 29 (part), 5‐ 34 (part) , 5‐ 40 (part)) .

15.52.080 Private dwellings‐ ‐ Exterior doors.

A. Exterior doors and doors leading from garage areas into private family dwellings shall be of solid core no less than one and three‐ fourths inch thickness.

B. Exterior doors and doors leading from garage areas into private family dwellings shall have dead bolt locking devices with a minimum throw of one inch.

C. Vision panels in exterior doors or within reach of the inside activating device must be of burglary resistant material with a dead bolt with a one inch throw and keyed from both exterior and interior sides.

D. Exterior doors swinging out shall have non-removable hinge pins.

E In‐ swinging exterior doors shall have rabbeted jambs.

F. Jambs for all doors shall be so constructed or protected as to prevent violation of the function of the strike. (Prior Code §5‐ 30).

15.52.090 Private dwellings‐ ‐ Sliding patio type doors. Sliding patio type doors opening onto patios or balconies which are less than one story above grade or are otherwise accessible from the outside:

A. All single sliding patio doors shall have the movable section of the door sliding on the inside of the fixed portion of the door.

B. Dead locks shall be provided on all single sliding patio doors. The lock shall be operable from the outside by a key utilizing a bored lock cylinder of pin tumbler construction. Mounting screws for the lock case shall be inaccessible from the outside. Lock bolts shall be of hardened steel or have hardened steel inserts and shall be capable of withstanding a force of eight hundred pounds applied in any direction. The lock bolt shall engage the strike sufficiently to prevent its being disengaged by any possible movement of the door with the space or clearances reinforced to maintain effectiveness of bolt strength.

C. Double sliding patio doors must be locked at the meeting rail and meet the locking requirements of B above. (Prior Code §5‐ 31).

15.52.100 Private dwellings‐ ‐ Garage doors. It is unlawful to furnish overhead garage doors with bottom vents. (Prior Code §5‐ 33).

15.52.110 Private dwellings‐ ‐ Windows.

A. Windows shall be so constructed that when the window is locked it cannot be lifted from the frame.

B. Window locking devices shall be capable of withstanding a force of three hundred pounds applied in any direction.

C. Louvered windows shall not be used within eight feet of ground level. (Prior Code §5.32).

15.52.120 Multiple dwellings- - Exterior doors.

A. Exterior doors and doors leading from garage areas into multiple- dwelling buildings and doors leading into stairwells below the sixth floor level shall have self- locking (dead latch) devices, allowing egress to the exterior of the building or into the garage area, or stairwell, but requiring a key be used to gain access to the interior of the building from the outside or garage area or into the hallways from the stairwell.

B. Exterior doors and doors leading from the garage areas into multiple- dwelling buildings and doors leading into stairwells shall be equipped with self- closing devices, if not already required by other regulations, ordinance, or code. (Prior Code §5.35).

15.52.130 Multiple dwellings- - Sliding patio type doors. Sliding patio type doors opening onto patios or balconies which are less than one story above grade or are otherwise accessible from the outside:

A. All single sliding patio doors shall have the movable section of the door slide on the inside of the fixed portion
of the door.

B. Dead locks shall be provided on all single sliding patio doors. The lock shall be operable from the outside by a key utilizing a bored cylinder of pin tumbler construction. Mounting screws for the lock case shall be inaccessible from the outside. Lock bolts shall be of hardened material or have hardened steel inserts and shall be capable of withstanding a force of eight hundred pounds applied in any direction. The lock bolt shall engage the strike sufficiently to prevent its being disengaged by any possible movement of the door with the space or clearances provided for installation and operation. The strike area shall be reinforced to maintain effectiveness of bolt strength.

C. Double sliding patio doors must be locked at the meeting rail and meet the locking requirements of B above. (Prior Code §5- 38).

15.52.140 Multiple dwellings- - Garage doors. Whenever parking facilities are provided, either under or within the confines of the perimeter walls of any multiple dwelling, such facility shall be fully enclosed and provided with a locking device. (Prior Code §5- 36).

15.52.150 Multiple dwellings- - Swinging doors. All swinging doors to individual motel, hotel, and multi- family dwellings:

A. All wood doors shall be of solid core construction with a minimum thickness of one and three- fourths inches.

B. Swinging entrance doors to individual units shall have deadbolts with one inch minimum throw and hardened steel inserts in addition to deadlatches with half- inch minimum throw. The locks shall be so constructed that both deadbolt
and deadlatch can be retracted by a single action of the inside knob. Alternate devices to equally resist illegal entry may be substituted subject to prior approval of the building superintendent.

C. An interviewer or peephole shall be provided in each individual unit entrance door.

D. Door closers will be provided on each individual entrance door.

E. Doors swinging out shall have nonremovable hinge pins.

F. In- swinging exterior doors shall have rabbeted jambs.

G. Jambs for all doors shall be so constructed or protected as to prevent violation of the function of the strike. (Prior Code §5- 37).

15.52.160 Multiple dwellings- - Windows.

A. Windows shall be so constructed that when the window is locked it cannot be lifted from the frame.

B. Window locking devices shall be capable of withstanding a force of three hundred pounds applied in any direction.

C. Louvered windows shall not be used within eight feet of ground level, adjacent structures or fire escapes. (Prior Code §5-29).

15.52.170 Commercial dwellings--Exterior doors. All exterior doors shall be secured as follows:

A. A single door shall be secured with either a double cylinder deadbolt or a single cylinder deadbolt without a turnpiece with a minimum throw of one inch. A hook or expanding bolt may have a throw of three-fourths inch. Any deadbolt must contain hardened material to repel attempts at cutting through the bolt.

B. On pairs of doors, the active leaf shall be secured with the type lock required for single doors in subsection A above. The inactive leaf shall be equipped with flush bolts protected by hardened material with a minimum throw of five-eighths inch at head and foot. Multiple point locks, cylinder activated from the active leaf and satisfying subsections A and B above may be used in lieu of flush bolts.

C. Any single or pair of doors requiring locking at the bottom or top rail shall have locks with a minimum five-eighths inch throw bolt at both the top and bottom rails.

D. Cylinders shall be so designed or protected so they cannot be gripped by pliers or other wrenching devices.

E. Exterior sliding commercial entrances shall be secured as in subsections A, B and D above with special attention given to safety regulations.

F. Rolling overhead doors, solid overhead swinging, sliding or accordion garage-type doors shall be secured with a cylinder lock or padlock on the inside, when not otherwise controlled or locked by electric power operation. If a padlock is used, it shall be of hardened steel shackle, with minimum five pin tumbler operation with non-removable key when in an unlocked position.

G. Metal accordion grate or grill-type doors shall be equipped with metal guide track at top and bottom and a cylinder lock and/or padlock with hardened steel shackle and minimum five pin tumbler operation with non-removable key when in an unlocked position. The bottom track shall be so designed that the door cannot be lifted from the track when the door is in a locked position.

H. Outside hinges on all exterior doors shall be provided with non-removable pins when using pin-type hinges.

I. Doors with glass panels and doors that have glass panels adjacent to the door frame shall be secured as follows:

1. Rated burglary resistant glass or glass-like material; or
2. The glass shall be covered with iron bars of at least one-half inch round or one inch by one-fourth inch flat steel material, spaced not more than five inches apart, secured on the inside of the glazing; or
3. Iron or steel grills of at least one-eighth inch materials of two inch mesh secured on the inside of the glazing.

J. In-swinging doors shall have rabbeted jambs.

K. Wood doors, not of solid core construction, or with panels therein less than one and three-eighths inches thick, shall be covered on the inside with at least sixteen gauge sheet steel or its equivalent attached with screws on minimum six-inch centers.

L. Jambs for all doors shall be so constructed or protected so as to prevent violation of the function of the strike.

M. All exterior doors, excluding front doors, shall have a minimum of sixty watt bulb over the outside of the door. Such bulb shall be protected with a vapor cover or cover of equally break-resistant material. (Prior Code §5-23).

15.52.180 Commercial buildings--Glass windows.

A. Accessible rear and side windows not viewable from the street shall consist of rated burglary resistant glass or glass-like material. Fire department approval shall be obtained on type of glazing used.

B. If the accessible side or rear window is of the openable type it shall be secured on the inside with a locking device capable of withstanding a force of three hundred pounds applied in any direction.

C. Louvered windows shall not be used within eight feet of ground level, adjacent structures or fire escapes.

D. Outside hinges on all accessible side and rear glass windows shall be provided with non-removable pins. If the hinge screws are accessible, the screws shall be of the nonremovable type. (Prior Code §5-24).

15.52.190 Commercial buildings--Accessible transoms. All exterior transoms exceeding eight inches by twelve inches on the side and rear of any building or premises used for business purposes shall be protected by one of the following:

A. Rated burglary resistant glass or glass-like material; or

B. Outside iron bars of at least one-half inch round or one inch by one-fourth inch flat steel material, spaced no more than five inches apart; or

C. Outside iron or steel grills of at least one-eighth inch material but not more than two inch mesh;

D. The window barrier shall be secured with rounded head flush bolts on the outside. (Prior Code §5-25).

15.52.200 Commercial buildings--Roof openings.

A. All glass skylights on the roof of any building or premises used for business purposes shall be provided with:

1. Rated burglary resistant glass or glass-like material meeting code requirements; or

2. Iron bars of at least one-half inch round or one inch by one-fourth inch flat steel material under the skylight and securely fastened; or

3. A steel grill of at least one-eighth inch material of two inch mesh under the skylight and securely fastened.

B. All hatchway openings on the roof of any building or premises used for business purposes shall be secured as follows:

1. If the-hatchway is of wooden material; it shall be covered on the inside with at least sixteen gauge sheet steel or its equivalent attached with screws;

2. The hatchway shall be secured from the inside with a slide bar or slide bolts. The use of crossbar or padlock must be approved by the fire marshal;

3. Outside hinges on all hatchway openings shall be provided with non-removable hinge pins when using pin-type hinges.

C. All air duct or air vent openings exceeding eight inches by twelve inches on the roof or exterior walls of any building or premises used for business purposes shall be secured by covering the same with either of the following:

1. Iron bars of at least one-half inch round or one inch by one-half inch flat steel material, spaced no more than five inches apart and securely fastened; or

2. A steel grill of at least one-eighth inch material of two inch mesh and securely fastened;

3. If the barrier is on the outside, it shall be secured with rounded head flush bolts on the outside. (Prior Code §5-26).

15.52.210 Commercial buildings--Special security measures.

A. Safes. Commercial establishments having one thousand dollars or more in cash on the premises after closing-hours shall lock such money in a Class "E" safe after closing hours.

B. Office Buildings (multiple occupancy). All entrance doors to individual office suites shall have a deadbolt lock with a minimum one- inch throw bolt which can be opened from the inside. (Prior Code §5- 27).

15.52.220 Commercial buildings- - Intrusion detection devices.

A. If it is determined by the enforcing authority of this chapter that the security measures and locking devices described in this division do not adequately secure the building, he may require the installation and maintenance of an intrusion detection device (burglar alarm system).

B. Establishments having specific type inventories shall be protected by the following type alarm service:

1. Silent alarm- - Central station- - Supervised service a. Jewelry store- - Manufacturing, wholesale, and retail, b. Guns and ammunition shops, c. Wholesale liquor and liquor stores, d. Wholesale tobacco, e. Wholesale drugs, f. Fur stores, g. Pawn shops, h. Electronic equipment, i. Wig stores, j . Clothing (new) , k. Coins and stamps, 1. Industrial tool supply house, m. Camera stores, n. Precious metal storage facility.

2. Local alarm (bell outside premises) a. Antique dealers, b. Art galleries, c. Service stations. (Prior Code §5- 28).

15.52.230 Violations- - Penalties.

A. It is unlawful for any .person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city, or cause the same to be done, contrary to or in violation of any of the provisions of this chapter.

B. Any person, firm, or corporation violating any of the provisions of this article shall be deemed guilty of a misdemeanor and shall be punishable by a fine of not more than five hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment. (Prior Code §5- 22) .

Chapter 15.56

CONSTRUCTION OVER WATERWAYS

Sections:

15.56.010 Prohibited- - Exceptions.

15.56.010 Prohibited- - Exceptions.

A. No building or structure shall be built or constructed over, across or extending in any way over any river, creek, lake or public waters within the limits of the city, except the following:

1. Bridges or causeways;
2. Viaducts;
3. Conduits for any public utility;
4. Electrical supply lines;
5. Docks and piers.

B. This section does not apply to any artificial body of water that is exclusively the property of a single ownership. (Prior Code §5- 5.1).

Chapter 15.60

SWIMMING POOLS

Sections:

15.60.010 Defined.
15.60.020 Enclosure- - Required- - Specifications.
15.60.030 Enclosure- - Building permit required.
15.60.040 Enclosure- - Inspection by building inspector.
15.60.050 Abandoned and unused pools.
15.60.060 Protection of pool construction sites.

15.60.010 Defined. Swimming pools are defined as all artificially constructed pools capable of containing water eighteen inches or more in depth and designed for swimming and recreational bathing in connection with and appurtenant to single‐family residences, available only to the family of the householder or his private guests, and those used in connection with multiple‐family or cooperative groups (such as apartments, motels or subdivisions), available to such groups and their private guests, but not available to the general public. (Ord.3561, 2016; Prior Code §30‐1).

15.60.020 Enclosure‐‐Required‐‐Specifications. All swimming pools shall be enclosed by a substantial protective barrier not less than five feet high, which shall be adequate and sufficient to prevent persons, children or animals from danger of harm and shall be equipped with self‐closing, self-latching lock gates. (Ord. 3561, 2016; Prior Code §30‐2).

15.60.030 Enclosure‐‐Building permit required. No fence or barrier shall be constructed until a building permit for same has been issued by the building official. (Ord. 3561, 2016; Ord. 3492, 2013; Prior Code §30‐3)
.

15.60.040 Enclosure‐‐Inspection by building inspector. The building official is empowered to inspect swimming pools within the city to determine whether or not they are surrounded by a sufficient barrier as defined herein. (Ord. 3561, 2016; Ord. 3492, 2013; Prior code§ 30‐4) .

15.60.050 Abandoned and unused pools. Abandoned pools and unused pools, situated on premises not occupied for periods of thirty days or more, shall be drained or equipped with swimming pool covers approved by the building official as adequate to prevent accidental drowning. (Ord. 3561, 2016; Ord. 3492, 2013; Prior Code §30‐5) .

15.60.06 Protection of pool construction sites. Any person, corporation or association constructing a swimming pool shall protect excavation sites in course of construction so that no undue hazard is created by periods of rainfall or work stoppage. (Ord. 3561, 2016; Prior Code §30‐6).

Chapter 15.62

VACANT BUILDINGS

Sections:

15.62.010 Securing vacant buildings against trespassers.

15.62.010 Securing vacant buildings against trespassers.

A. All property owners are required to maintain vacant buildings in a secure manner so that the building does not attract trespassers or become an attractive nuisance or public safety or health danger.

B. For a building or structure to be "secured" in those cases in which securing is specifically required, a covering shall be placed over all doors, windows or other openings consisting of not less than one‐half inch plywood attached to the framing of such doors, windows and openings by wood screws of minimum length of one‐and‐one‐half inches, placed not more than twelve inches on center. Such plywood shall be painted with a minimum of two coats of exterior grade paint of a brick red color, or other color, which is approved by the building official. (Ord. 2727 §1, 1990).

Chapter 15.64

GRADING, DRAINAGE, AND EROSION CONTROL PERMITS (REPEALED, ORD 3414, 2009)

Sections:

15.64.010 Repealed
15.64.020 Repealed.
15.64.030 Repealed
15.64.040 Repealed
15.64.050 Repealed

15.64.060 Repealed

15.64.010 Repealed (Ord. 3414, 2009; Ord. 3157, 2000)

15.64.020 Repealed (Ord. 3414, 2009; Ord. 3384 §9, 2008; Ord. 3350 §9, 2007; Ord. 3323 §9, 2006; Ord. 3298, 2005; Ord. 3259 §8, 2004; Ord. 3157, 2000)

15.64.030 Repealed (Ord. 3414, 2009; Ord. 3157, 2000)

15.64.040 Repealed (Ord. 3414, 2009; Ord. 3157, 2000)

15.64.050 Repealed (Ord. 3414, 2009; Ord. 3157, 2000)

15.64.060 Repealed (Ord. 3414, 2009; Ord. 3157, 2000)

Chapter 15.65

GRADING, DRAINAGE, EROSION CONTROL AND STORM WATER POLLUTION PREVENTION PLAN (SWPPP) (REPEALED, ORD 3580, 2016)

Sections:

15.65.010 Repealed
15.65.020 Repealed
15.65.030 Repealed
15.65.040 Repealed
15.65.050 Repealed
15.65.060 Repealed
15.65.070 Repealed
15.65.080 Repealed
15.65.090 Repealed
15.65.100 Repealed
15.65.110 Repealed
15.65.120 Repealed
15.65.130 Repealed

15.65.010 Repealed (Ord. 3580, 2016; Ord. 3414, 2009)

15.65.020 Repealed (Ord. 3580, 2016; Ord. 3414, 2009)

15.65.030 Repealed (Ord. 3580, 2016; Ord. 3414, 2009)

15.65.040 Repealed (Ord. 3580, 2016; Ord. 3492, 2013; Ord. 3414, 2009)

15.65.050 Repealed (Ord. 3580, 2016; Ord. 3527, 2014; Ord. 3501 §10, 2013; Ord. 3476 §10, 2012; Ord. 3462 §11, 2011; Ord. 3433, 2010 §9; Ord. 3414, 2009)

15.65.060 Repealed (Ord. 3580, 2016; Ord. 3492, 2013; Ord. 3414, 2009)

15.65.070 Repealed (Ord. 3580, 2016; Ord. 3414, 2009)

15.65.080 Repealed (Ord. 3580, 2016; Ord. 3414, 2009)

15.65.090 Repealed (Ord. 3580; Ord. 3492, 2013; Ord. 3414, 2009)

15.65.100 Repealed (Ord. 3580, 2016; Ord. 3492, 2013; Ord. 3414, 2009)

15.65.110 Repealed (Ord. 3580, 2016; Ord. 3492, 2013; Ord. 3414, 2009)

15.65.120 Repealed (Ord. 3580, 2016; Ord. 3492, 2013; Ord. 3414, 2009)

15.65.130 Repealed (Ord. 3580, 2016; Ord. 3414, 2009)

CHAPTER 15.66

DEVELOPMENT IMPACT FEE PROCEDURES AND REQUIREMENTS

15.66.010 Purpose and Intent
15.66.020 Definitions
15.66.030 Applicability
15.66.040 Procedures for imposition, calculation and collection of development impact fees
15.66.050 Establishment of development impact fee accounts; appropriation of development impact fee funds; and refunds

15.66.060 Appeals
15.66.070 Annual review and adjustment
15.66.075 Impact fee schedules
15.66.080 Repealed
15.66.090 Repealed
15.66.100 Repealed
15.66.110 Repealed
15.66.120 Repealed
15.66.130 Impact Fee Advisory Committee

Sections:

15.66.010 PURPOSE AND INTENT.

The purpose and intent of these development impact fee procedures are:

1. To establish uniform procedures for the imposition, calculation, collection, expenditure, and administration of development impact fees imposed on new development;
2. To assure that new development contributes its fair and proportionate share towards the costs of public facilities reasonably necessitated by such new development;
3. To ensure that new development benefits from the provision of the public facilities provided with the proceeds of development impact fees;
4. To ensure that impact fees collected pursuant to this Chapter are expended only on public facilities the demand for which is generated by the new development against which the fees are assessed;
5. To ensure that impact fees assessed pursuant to this Chapter are proportionate in amount to the degree of impact new development has on public facilities; and to ensure that all applicable legal standards and criteria are properly incorporated in these procedures

(Ord. 3686, 2021; Ord. 3658, 2020; Ord. 3250, 2004)

15.66.020 DEFINITIONS.

In this Chapter, unless otherwise indicated below, words and terms shall have the meaning prescribed in Title 20, MMC:

1. **Applicant**: any person, most generally the property owner or agent authorized by the owner, who files an application with the City for a building permit to undertake new development within the City.
2. **Appropriation or To Appropriate**: an action by the City to identify specific public facilities for which development impact fee funds may be utilized. Appropriation shall include, but shall not necessarily be limited to: inclusion of a public facility in the adopted City budget or Capital Improvements program; execution of a contract or other legal encumbrance for construction of a public facility using development impact fee funds in whole or in part; and/or actual expenditure of development impact fee funds through payments made from a development impact fee account.
3. **Capital Improvement Program**: the schedule of public facility improvements to be undertaken by the City as set forth in the capital budget, the City of Missoula Capital Improvement Program, or an adopted public facility plan, consistent with the requirements of Montana Code Annotated Section 7-6-1602, with the exception of the portions of this chapter not amended by this ordinance that were enacted previously and grandfathered as authorized by Section 9. “Applicability,” Chapter, No. 299, Senate Bill 185 of the Montana Session Laws 2005.”
4. **Chief Financial Officer**: the Director of the Missoula City Finance Office or his or her designee.
5. **City**: City of Missoula, Montana.

6. **Commercial**: the purchase, sale, offering for sale, or other transaction involving the handling or disposition of any article, service, substance or commodity for livelihood or profit; or the management or occupancy of recreation or amusement enterprises; or the maintenance and use of buildings, structures, or premises by trades or persons rendering commercial services.
7. **Community Services Development Impact Fee**: a development impact fee imposed on residential and nonresidential development to fund the proportionate share of the costs generated by new development for public facilities, including municipal buildings, vehicles, and equipment.
8. **Development Impact Fee**: a fee imposed on new development on a pro rata basis in connection with and as a condition of the issuance of a building permit and which is calculated to defray all or a portion of the costs of the public facilities required to accommodate new development at City-designated level of service (LOS) standards and which benefits the new development and is proportionate in amount to actual impact of new development on the public facilities to be funded with development impact fee funds.
9. **Community Planning, Development and Innovation Director:** The Director of Community Planning, Development and Innovation or his or her designee.
10. **Fire and Emergency Medical Service Development Impact Fee**: a development impact fee imposed on new residential and non-residential development to fund the proportionate share of the costs generated by new development for public facilities including fire stations, related fire apparatus and other fire protection buildings, facilities, and equipment created by new development.
11. **Office**: nonresidential uses that include, but are not limited to, professional services, insurance companies, investment brokers, health care (where no overnight care for patients is given), and tenant services such as banking, restaurants, and service retail facilities ancillary to the principal office uses.
12. **Industrial**: a use devoted to the manufacture, assembly, packaging, processing, fabrication, storage, extraction, reduction, destruction, conversion or distribution of any article, substance, goods, commodities and materials whether new or used, or any treatment thereof in such a manner as to change the form, character, or appearance thereof. Uses include, but are not limited to, printing plants, material-testing laboratories, assembling of data processing equipment, and the substantial refinishing, repair and/or rebuilding of vehicles or boats.
13. **Institutional or Civic Use**: premises reserved for use by organizations considered to support the common good. Civic uses include, but are not limited to, governmental offices and services; cultural, social, educational, and service organizations; not-for-profit organizations; recreational, athletic, convention and entertainment facilities owned or operated by a government agency.
14. **Law Enforcement Development Impact Fee**: a development impact fee imposed on new residential and non-residential development to fund the proportionate share of the costs for public facilities, including law enforcement buildings, evidence storage facilities, vehicles, and equipment generated by new development.
15. **Methodology Reports**: reports prepared in support of this chapter that set forth the methodology and rational basis for the calculation of the impact of new development and the proper and proportional amount of the development impact fee to be assessed against new development.
16. **New Development**: any new construction, reconstruction, redevelopment, rehabilitation, structural alteration, structural enlargement, structural extension, or new use within the City that requires a building permit, including any damage in use of an existing building, structure, or lot, which increases the demand for one (1) or more public facilities; except as otherwise provided in subsection 15.66.030.
17. **Non-Residential**: any building, structure, use or development designed, intended, or used for purposes other than those of a dwelling or its accessory buildings.
18. **Offset**: a waiver of a portion or all of certain required development impact fees, pursuant to subsection 15.66.040(5) of this Chapter.
19. **Parks and Open Space Development Impact Fee**: a development impact fee imposed on new residential development to fund the proportionate share of the costs generated by new development for public facilities, including community and regional park land, park amenities including recreation facilities, trailheads and park equipment.
20. **Public Facility**: public capital improvements, buildings, vehicles, apparatus, equipment, land acquisitions, and facilities with a useful life of ten (10) years or more, that increase or improve the service capacity of a public facility such as parks, recreation facilities and amenities, open space, trails, fire and emergency medical service facilities, law enforcement facilities, and community services facilities included in the calculation of development impact fees in the methodology report

21. **Residential**: any building, structure, use or development designed, intended or used as a dwelling unit or its accessory buildings, or that results in the expansion of a dwelling unit or units.
22. **Shopping Center**: a retail business area comprised of one or more adjacent or adjoining commercial establishments on a parcel planned, constructed and managed as a unit in one or more buildings. A Shopping Center contains a building or buildings with a total gross floor area of thirty thousand square feet or more, with adjoining or adjacent off-street parking. Shopping centers consist primarily of commercial retail establishments; however they also may contain non-merchandizing facilities such as offices, movie theaters, restaurants, post offices, banks, health clubs, and recreational facilities.
23. **Transportation Development Impact Fee:** a development impact fee imposed on new residential and non-residential development to fund the proportionate share of the cost generated by new development for public facilities including complete streets, intersection improvements and commuter trails.
24. **Warehousing**: a use engaged in bulk storage of wholesale or distribution materials, inventory, equipment, supplies, goods, wares, merchandise, substances, articles or other materials not stored for immediate, on-site retail sale
25. **Zoning Officer**: the Community Planning, Development and Innovation Director or his or her designee.

(Ord. 3686, 2021; Ord. 3658, 2020; Ord. 3492, 2013; Ord. 3364, 2007; Ord. 3250, 2004)

15.66.030 APPLICABILITY.

1. **Term**. This Chapter and the procedures established herein shall remain in effect unless and until repealed, amended, or modified by the City Council in accordance with applicable State law and the City Code, ordinances, and resolutions.
2. **Affected Area**. Development impact fees shall be imposed on new development proposed within the corporate boundaries of the City.
3. **Type of Development Affected**. This Chapter shall apply to all new development.
4. **Type of Development Not Affected**. This Chapter shall not apply to:

    a. **No Net Increase in Square Footage**. No development impact fee shall be imposed on any new development that does not result in the creation of new square footage.
    b. **Other Uses**. No development impact fee shall be imposed on new development, whether or not a building permit is required, which does not result in an increase in the demand for public facilities. Such development may include, but is not limited to, fences, signs, retaining walls, and residential storage sheds.
    c. **Development Agreements**. No development impact fee shall be imposed on development projects that are the subject of a duly executed and lawful development agreement entered into by an applicant and the City prior to the effective date of this Chapter, which agreement contains provisions in conflict or inconsistent with this Chapter, but only to the extent of the conflict or inconsistency.

4. **Effect of Payment of Development Impact Fees on Other Applicable City Land Use, Zoning, Platting, Subdivision, or Development Regulations**.
    a. The payment of development impact fees shall not entitle the applicant to a building permit unless all applicable land use, zoning, planning, dedication, platting, subdivision, or other related requirements, standards, and conditions of applicable Montana law and City of Missoula ordinances and resolutions have been met. Such other requirements, standards, and conditions are independent of the requirement for payment of a development impact fee.
    b. This Chapter shall not affect, in any manner, the permissible use of property, density/intensity of development, design and improvement standards, or other applicable standards or requirements of the Buildings and Construction Code and the Missoula City Zoning Ordinance, which shall be operative and remain in full force and effect without limitation.
5. **Amendments**. This Chapter, and any ordinance adopting development impact fees for any particular public facility pursuant to this Chapter, may be amended from time to time by the City Council; provided, however, that no such amendment shall be adopted without a written report detailing the reasons and need for the development impact fee revision nor without proper notice and public hearing as required by state law and the Missoula Municipal Code.
6. **Adoption of Methodology Reports**. Reports prepared in support of this chapter shall be adopted by resolution.

(Ord. 3686, 2021; Ord. 3658, 2020; Ord. 3364, 2007; Ord. 3250, 2004)

15.66.040 PROCEDURES FOR IMPOSITION, CALCULATION AND COLLECTION OF DEVELOPMENT IMPACT FEES.

A. In General.

An applicant shall be notified by the City of the applicable development impact fee requirements, including applicable service charges, at the time of application for a building permit on a form provided by the City for such purposes. Preliminary development impact fees shall be calculated by the Building Official at the time of application for a Building permit. The final development impact fees shall be paid by the applicant prior to the issuance of a building permit. In lieu of payment prior to building permit issuance, an applicant may provide a Certificate of Deposit payable to the City, Letter of Credit issued by a financial institution in favor of the City, or other reasonable security in an amount equal to the development impact fee calculated to be due, in a form satisfactory to the City Attorney and the Chief Financial Officer, and redeemed or paid in full upon completion of the final inspection by the Building official.

B. Calculation.

1. Upon receipt of an application for a building permit, the Community Planning, Development and Innovation staff shall determine (a) whether it is a residential or non-residential use; (b) the specific category of residential or non-residential development, if applicable; and (c) additional square feet of gross floor area of the proposed use.
2. Upon receipt of an application for a building permit, the Community Planning, Development and Innovation staff shall determine whether the development proposed involves a change in use. In such cases, the development impact fee due shall be based only on the incremental increase in the fee for the increase in the public facility capacity created by the proposed change in square footage.
3. After making these determinations, the Building Official shall calculate the demand for the public facility created by the new development for each public facility category for which a development impact fee is being imposed, and shall calculate the applicable development impact fee by multiplying the demand added by the new development by the amount of the applicable development impact fee per unit of development, incorporating any applicable offset as discussed in subsection (5) below.
4. If the type of land use proposed for new development is not expressly listed in the particular development impact fee ordinance and schedule, the Building Official, in consultation with the Zoning Officer, as necessary, shall:
   i. identify the most similar land use type listed and calculate the development impact fee based on the development impact fee for the land use identified;
   ii. identify the broader land use category within which the specified land use would apply and calculate the development impact fee based on the development impact fee for that land use category; or
   iii. as appropriate, determine the basis used to calculate the fee pursuant to an independent impact analysis pursuant to subsection (3) below.
5. The calculation of development impact fees due from a multiple-use new development shall be based upon the aggregated demand for each public facility generated by each land use type in the new development.
6. The calculation of development impact fees due from a phased new development shall be based upon the demand generated by each specific land use within the phase of development for which a separate building permit is requested.
7. Development impact fees shall be calculated based on the development impact fee amount in effect at the time of submittal of a complete application for a building permit.

C. Independent Impact Analysis.

The following provisions shall apply to any independent impact analysis:

1. The applicant shall be responsible, at its sole expense, for preparing the independent impact analysis, which shall be reviewed for approval by the Director of Community Planning, Development and Innovation, and, as appropriate, other City staff or officials, prior to payment of the fee.
2. The independent impact analysis shall measure the impact that the proposed new development will have on the particular public facility at issue, shall be based on the same methodologies used in the methodology report, and shall be supported by professionally acceptable data and assumptions.
3. Within thirty (30) days of submittal of the independent impact fee analysis, the Community Planning, Development and Innovation Director shall provide written notice to the applicant as to whether the independent impact analysis is accepted or rejected based on the provisions of this section. If the

independent impact analysis is rejected, the written notice shall provide an explanation of the insufficiencies of the analysis.

4. The final decision of the Community Planning, Development and Innovation Director may be appealed pursuant to Section 15.66.060 of this Chapter.

D. Development Impact Fee Estimates.

1. Non-binding Estimate. An applicant may request a non-binding estimate of development impact fees due for a particular new development at any time by filing a request on a form provided for such purpose by the City; provided, however, that such estimate may be subject to change when a final application for a building permit for new development is made. Such non-binding estimate is solely for the benefit of the prospective applicant and shall in no way bind the City nor preclude it from making amendments or revisions to any provisions of this Chapter or the specific development impact fee implementing ordinances.
2. Binding Pre-Determination. An applicant may request a pre-determination of development impact fees due for a particular new development at any time by filing a request on a form provided for such purpose by the City. The pre-determination shall be binding for a period not to exceed ninety (90) days provided, however, that no change has occurred: a) in the square footage and use of the proposed development as presented in a final application for a building permit for the new development; or b) in the schedule of fees as presented in adopted ordinance and modified by annual adjustments. Such binding pre-determination shall not preclude the City from making amendments or revisions to any provisions of this Chapter or the specific development impact fee implementing ordinances.

E. Offsets.

1. Offsets against the amount of a development impact fee due from a new development shall be provided for contributions made or to be made in the future by the affected property owner in cash, or by dedication of land, or by actual construction of all or part of a public facility or public facilities identified in an adopted CIP, or land-use or facilities master plan, or impact fee methodology report and meeting or exceeding the demand generated by the new development. The contribution must be a reasonable substitute for the cost and level of service of public facilities included in the City adopted or City CIP, or land-use or facilities master plan, or impact fee methodology report, as determined by the Community planning, development and innovation Director, the Chief Financial Officer, and representatives of potentially affected departments.
2. The amount of any excess contribution shall be determined by the Community Planning, Development and Innovation Director and the Chief Financial Officer upon receipt of an application form requesting an offset; provided, however, that (a) the City will make no reimbursement for excess contributions unless and until the particular development impact fee account has sufficient revenue to make the reimbursement without overdrawing the account or jeopardizing the continuity of the City's Capital Improvements Program; and (b) the excess contribution may not be transferred or credited to any other types of development impact fees calculated to be due from that development for other types of public facilities. The determination of the eligibility for and the amount of the offset shall be made by the Community Planning, Development and Innovation Director and the Chief Financial Officer, based on the fair market value of the proposed dedication, construction, or contribution, as established by appraisals and construction receipts or construction bids, as applicable. If the applicant contends that any aspect of the City's decision constitutes an abuse of discretion, the applicant shall be entitled to appeal pursuant to Section 15.66.060 of this Chapter.
3. No offset shall be allowed unless the City has clearly documented the need for the dedication or construction, pursuant to Montana Code Annotated Section 7-6-1602, has approved the contribution or expenditure before it is made, in accordance with the provisions of this subsection, and has determined that any proposed land dedication is appropriate for the proposed use by the City.
4. Offsets for dedication of land or provision of public facilities shall be applicable only as to development impact fees imposed for the same types of public facilities that are proposed to be dedicated or provided. Even if the value of the dedication of land or provision of a public facility exceeds the development impact fee due for the type of public facility, the excess value may not be transferred to development impact fees calculated to be due from the applicant for other types of public facilities for which development impact fees may be imposed. Offsets for excess capacity may, however, be transferred to the same applicant or to other applicants for new development that creates a demand for the same type of public facility and which development impact fees are due pursuant to this Chapter.
5. Any offset or reimbursement shall be pursuant to a duly executed development agreement.

6. No offsets shall be given for the construction of local on-site facilities, structures, improvements, or other project improvements required by zoning, subdivision, or other city regulations unless the improvement is identified in the Capital Improvement Program, or impact fee methodology report, or there is a finding that the proposed improvements meet the same need as improvements identified in the Capital Improvements Program or impact fee methodology report.

F. Collection.

1. The City shall collect all development impact fees and service charges in the amounts set forth in this Chapter and shall issue a receipt to the applicant for such payment unless:
   a. the applicant is entitled to a full offset;
   b. the applicant is not otherwise subject to the payment of a development impact fee; or the applicant has filed an appeal as required by Section 15.66.060 and has filed a bond or other surety in the amount of the development impact fee as calculated by the City and approved by file City Attorney and Finance Director/Treasurer.

(Ord. 3686, 2021; Ord. 3858, 2020; Ord. 3492, 2013; Ord. 3364, 2007; Ord. 3250, 2004)

15.66.050 ESTABLISHMENT OF DEVELOPMENT IMPACT FEE ACCOUNTS; APPROPRIATION OF DEVELOPMENT IMPACT FEE FUNDS; AND REFUNDS

A. Development Impact Fee Accounts.

The City shall establish a development impact fee account for each area indicated in the Service Area Report and Impact Fee Study for which development impact fees are imposed. Such account shall clearly identify the service area, account, or fund for which the development impact fee has been imposed. Sub-accounts may be established for individual development impact fee districts. All development impact fees collected by the City shall be deposited into the appropriate development impact fee account. Unless otherwise prohibited by law, all interest earned on monies deposited to such account shall be credited to and shall be considered funds of the account. The funds of each service area shall be capable of being accounted for separately from all other City funds. The City shall establish and implement necessary accounting controls to ensure that the development impact fee funds are properly deposited, accounted for, and appropriated in accordance with this Chapter and any other applicable legal requirements.

B. Appropriation of Development Impact Fee Funds.

1. **Use of Funds**. All appropriations from development impact fee accounts shall be detailed on a form provided for such purpose and filed in the City Finance Department. Development impact fee funds may be used only for:
   i. expenditures on public facilities;
   ii. the payment of principal, interest, and other financing costs on contracts bonds, notes, or other obligations issued by or on behalf of the City to finance public facilities;
   iii. financing of offsets as set forth in Section 15.66.040 (5); or
   iv. financing the costs of updating this chapter.
2. **Restrictions on Use**. Development impact fees appropriations shall be reasonably related to the benefits accruing to new development subject to the provisions of this Chapter and shall not be appropriated for repair or maintenance of public facilities, for operational or personnel expenses associated with the provision of public facilities, to correct an existing deficiency, or for any facility that provides capacity for development other than new development. Additionally, development impact fees shall be appropriated only:
   i. for the particular public facility for which they were imposed, calculated, and collected; and
   ii. within six (6) years of the beginning of the City's fiscal year immediately succeeding the date of collection, unless such time period is extended as provided herein.
3. **Appropriation of Development Impact Fee Funds beyond Six (6) Years of Collection**. Notwithstanding the provisions of subsection (2)(b) above, development impact fee funds may be appropriated beyond six (6) years from the beginning of the City's fiscal year immediately succeeding the date of collection, if the appropriation is for a public facility that requires more than six (6) years to plan, design, finance and construct. Funds held over must be specifically identified and described in

the impact fee annual financial report. The City shall document compliance with the provisions of this paragraph.

C. Procedure for Appropriation of Development Impact Fee Funds.

1. Each year the City shall identify public facility projects anticipated to be funded in whole or in part with development impact fees. Public facility expenditures shall be based upon the development impact fee annual review set forth in Section 15.66.070 of this Chapter, the methodology report, the City Capital Improvement Program and such other information as may be relevant, and shall be part of the City's annual budget and capital improvements programming process.
2. The recommendations shall be consistent with the provisions of this Chapter, the methodology report, particular public facility development impact fee ordinances other applicable legal requirements, and any guidelines adopted by the City Council.
3. The City Council may include public facilities funded with development impact fees in the City's annual budget and capital improvements program. If included, the description of the public facility shall specify the nature of the public facility, the location of the public facility, the capacity to be added by the public facility, the service area of the public facility, the need/demand for the public facility and the anticipated timing of completion of the public facility.
4. The City Council may authorize public facilities funded by development impact fees at such other times, as they deem necessary and appropriate by a majority vote of the City Council.
5. The City Council shall verify that adequate development impact fee funds are or will be available from the appropriate development impact fee account for the particular public facility.
6. Development impact fee funds shall be spent on a first in/first out basis.

D. Refunds.

Eligibility.

1. **Expiration or Revocation of Building Permit.** An applicant who has paid a development impact fee for a new development for which the necessary building permit has expired or for which the building permit has been revoked prior to construction may apply for a refund of development impact fees paid. Refunds made pursuant to this subparagraph shall be made payable to the owner of the property upon which the development was to occur. The refund application shall be made on a form provided by the City for such purposes.
2. **Failure of City to Appropriate Development Impact Fee Funds within Time Limit**. The current property owner may apply for a refund of development impact fees paid by an applicant if the City has failed to appropriate the development impact fees collected from the applicant within the time limit established in subsection (2) above. Refunds made pursuant to this subparagraph shall be to the current property owner. The refund application shall be made on a form provided by the City for such purposes.
3. **Administrative Fee**. Except when a refund is warranted due to timeliness (see paragraph vi below), a five percent (5%) administrative fee, not to exceed two-hundred dollars ($200), shall be deducted from the amount of any refund granted and shall be retained by the City in the appropriate development impact fee account to defray the administrative expenses associated with the processing of a refund application.
4. **Processing of Applications for a Refund**. Applications for a refund shall be made on a form provided by the City for such purposes. Upon receipt of a complete application for a refund, the Community Planning, Development and Innovation Director shall review the application and documentary evidence submitted by the applicant as well as such other information and evidence as may be deemed relevant, and make a determination as to whether a refund is due. Refunds by direct payment shall be made following an affirmative determination by the Community Planning, Development and Innovation Director.
5. **Due to Expiration or Revocation**. Applications for refunds due to expiration or revocation of a building permit shall be made on a form provided by the City for such purposes and shall be made within sixty (60) days following expiration or revocation of the building permit. The applicant shall submit: (a) evidence that the person applying for the refund was the initial applicant who paid the fee, or the duly designated agent of the initial applicant; (b) the amount of the development impact fees paid by public facility category and receipts evidencing such payments; and (c) documentation evidencing the expiration or revocation of the building permit. Failure to apply for a refund within sixty

(60) days following expiration or revocation of the building permit shall constitute a waiver of entitlement to a refund. No interest shall be paid by the City in calculating the amount of the refunds.

6. **Due to Timeliness**. Applications for refunds due to the failure of the City to appropriate development impact fees collected from the applicant within the time limits established in subsection (2)(a) above shall be made on forms provided by the Finance Office and shall be made within one (1) year following the expiration of such time limit. The applicant shall submit: (a) evidence that the applicant is the property owner or the duly designated agent of the property owner; (b) the amount of the development impact fees paid by public facility category and receipts evidencing such payments; and (c) description and documentation of the City's failure to appropriate development impact fee funds for relevant public facilities. Interest shall be paid by the City in calculating the amount of the refunds based upon actual interest earned, and the Administrative Fee for processing refunds shall be waived.

(Ord. 3686, 2021; Ord. 3658, 2020; Ord. 3492, 2013; Ord. 3364, 2007; Ord. 3250, 2004)

Section 15.66.060 APPEALS.

A. Initiation.

1) An appeal from any decision of a City officer pursuant to this Chapter shall be made within fifteen (15) working days of notice of the decision being sent by certified mail, to the Chief Financial Officer who shall refer it immediately to an Appeals Committee consisting of the Chief Administrative Officer, Chief Financial Officer, Community Planning, Development and Innovation Director, and City Attorney. When filing an appeal, the fee payer shall submit a letter providing a full explanation of the request, the reason for the appeal, as well as all supporting documentation and an administrative fee of five percent (5%) of the impact fee, not to exceed two-hundred dollars ($200). In the event the appeal is successful, the City Council may refund all or a portion of the administrative fee to the payer.

2) Upon review and consideration of information presented by the appellant, the Appeals Committee shall formulate a recommended action and forward it for consideration to the City Council pursuant to Title 20 of the, Missoula Municipal Code. Such appeal shall be based on the record and on other such written argument which appellant has filed with the appeal and the staff response to such argument.

3) The filing of an appeal shall not stay the imposition or the collection of the development impact fee as calculated by the City unless a Certificate of Deposit payable to the City, Letter of Credit issued by a financial institution in favor of the City, or other sufficient surety has been provided.

4) If the notice of appeal is accompanied by a cash bond or letter of credit in a form satisfactory to the City Attorney and the Chief Financial Officer in an amount equal to the development impact fee calculated to be due, a building permit may be issued to the new development.

B. Contents.

The notice of appeal shall detail the specific grounds therefore and all other relevant information and shall be filed with the Finance Office on a form provided by the City for such purposes.

(Ord. 3686, 2021; Ord. 3658, 2020; Ord. 3492, 2013; Ord. 3250, 2004)

15.66.070 ANNUAL REVIEW AND ADJUSTMENT.

1. **Annual Review**.

   a. Not later than March 1st of each year, beginning March 1, 2005, and prior to City Council adoption of the Annual Budget and Capital Improvements Program, the Chief Financial Officer shall coordinate the preparation and submission of an Annual Report to the Mayor and City Council on the subject of development impact fees. The Annual Report shall recap results of the most recently completed fiscal year, and disclose any annual adjustments made appropriate by the Engineering News Record Construction Cost Index.

   b. In addition to the requirements of Montana Code Annotated Section 7-6-1602(1), the Annual Report may include any or all of the following:

      i. recommendations for amendments if appropriate, to these procedures or to specific ordinances adopting development impact fees for particular public facilities;

      ii. proposed changes to any applicable ordinance or policy, including the identification of additional public facility projects anticipated to be funded wholly or partially with development impact fees;

      iii. creation of development impact fee districts, as necessary;

iv. proposed changes to development impact fee schedules as set forth in the ordinances imposing and setting development impact fees for particular public facilities;

v. proposed changes to level of service standards for particular public facilities;

vi. proposed changes to any development impact fee calculation methodology;

vii. proposed changes to the population, housing, land use, persons per household or non-residential development projections included in the methodology report and upon which the development impact fee amounts have been determined; or

viii. other data, analyses, or recommendations as the Chief Financial Officer or appropriate designee may deem appropriate, or as may be requested by the Mayor and City Council.

c. The Annual Report may additionally include any or all of the following background data:

i. number of building permits issued by type of residential or non-residential development;

ii. gross floor area of new development by type;

iii. total amount of development impact fees collected, by public facility and by land use type;

iv. the amount of expenditure made from the development impact fee account or sub-accounts and the purpose for which the expenditure was made, i.e., the description, type and location of the public facility project;

v. when the public facility project was or will be initiated and completed;

vi. whether additional development impact fee funds will be appropriated for the same project in the future;

vii. whether supplemental non-development impact fee funds have been used for file project and, if so, how much;

viii. the service area of the public facility project;

ix. the total estimated cost of the project and the portion funded with development impact fees;

x. whether the public facility project is in the City's current Annual Budget or Capital Improvements Program;

xi. the estimated useful life of the project; or

xii. such other facts as may be deemed relevant by the Mayor or City Council.

d. Submission of Development Impact Fee Annual Report and City Council Action. The Chief Financial Officer shall submit the annual report to the Mayor and City Council, which shall receive the annual report and which may take such actions as deemed appropriate, including, but not limited to, requesting additional data or analyses and holding public workshops and/or public hearings.

e. Except for the annual adjustment identified in Section 15.66.070 (2), no increase in development impact fees will be enacted before:

i. completion and City Council approval of a new methodology report that ties any impact fees to the City Capital Improvement Program; and

ii. a public hearing.

2. **Annual Adjustments**.

a. On March 1, 2005, and on March 1st of each year thereafter in which this Chapter is in effect, the amount of any development impact fee shall be adjusted to account for inflationary changes in the cost of providing public facilities utilizing the most recent twenty (20) city annual national average data from the Engineering News Record Construction Cost Index.

b. The Chief Financial Officer shall make the annual adjustment unless the City Council, in its Annual Review, determines an alternate adjustment.

c. Nothing herein shall prevent the City Council from electing to retain existing development impact fees or from electing to waive the inflation adjustment for any given fiscal year.

(Ord. 3658, 2020; Ord. 3364, 2007; Ord. 3250, 2004)

15.66.075 IMPACT FEE SCHEDULES

The City Council shall establish and amend impact fees by resolution after conducting a public hearing. (Ord. 3658, 2020)

15.66.080 REPEALED
(Ord. 3658, 2020; Ord. 3250, 2004)

15.66.090 REPEALED
(Ord. 3658, 2020; Ord. 3364, 2007; Ord. 3250, 2004)

15.66.100 REPEALED
(Ord. 3658, 2020; Ord. 3364, 2007; Ord. 3250, 2004)

15.66.110 REPEALED
(Ord. 3658, 2020; Ord. 3250, 2004)

15.66.120 REPEALED
(Ord. 3658, 2020; Ord. 3426, 2010; Ord. 3364, 2007)

15.66.130 IMPACT FEE ADVISORY COMMITTEE

1. **Membership**.
    a. The Impact Fee Advisory Committee shall consist of nine (9) members, with two (2) members appointed by City Council and seven (7) members appointed by the Mayor with the advice and consent of the City Council.
    b. In accordance with Montana Code Annotated Section 7-6-1604 the Committee membership shall include at least one (1) representative of the development community.
2. **Term.** Each member shall serve a four (4) year term.
3. **Purpose.** The Impact Fee Advisory Committee shall review and monitor the process of calculating, assessing and spending impact fees and advise the City of Missoula governing body with respect to these impact fee revenues as provided by Montana state law.

(Ord. 3686, 2021; Ord. 3658, 2020; Ord. 3364, 2007)

Chapter 15.68
Hillview Way Special Improvement District No. 549 Impact Fee

15.68.010 Purpose and Intent
15.68.020 Definitions
15.68.030 Impact Fee

Section 1
15.68.010 Purpose and Intent.
The purpose and intent of this impact fee is to ensure that new development within Hillview Way Special Improvement District No. 549 contributes its fair and proportionate share towards the costs of improvements made within such district which have not been assessed against the property within such district but has been initially paid by the City from the City's Road District No. 1 Fund. (Ord. 3544, 2015)

Section 2
15.68.020 Definitions.
In this Chapter, words and terms shall have the meaning described below:

A. Applicant: any property owner or agent authorized by the property owner, who files an application with the City for a building permit to undertake new development within the District.

B. City: City of Missoula, Montana.

C. District: Hillview Way Special Improvement District No. 549, created by Resolution No. 7936, adopted by the City Council on February 9, 2015.

D. Impact Fee: an impact fee imposed on new residential development within the District boundaries to reimburse the City for the proportionate share of the costs of acquiring, constructing and financing the costs of reconstructing Hillview Way between 39th Street/SW Higgins Avenue and 55th Street, including curb, gutter, sidewalks, street paving, and related improvements, as more particularly described in Section 5 of Resolution No. 7911.

E. Methodology: The impact fee is calculated to compensate the City for the cost of providing public infrastructure improvements within the area included in Hillview Way Special Improvement District No. 549. It is calculated based on the City's estimate of such cost allocable to each existing dwelling unit or multifamily dwelling unit. Such cost includes the estimated amounts contributed by the City's Road District #1 for the construction of said improvements.

F. Residential: any building, structure, use or development designed, intended or used as a dwelling unit. (Ord. 3544, 2015)

Section 3
15.68.030 Impact Fee.
Until the end of the calendar year 2066, prior to issuance of a building permit for a new Residential unit within the District boundaries, an Impact Fee shall be collected from an Applicant in the amount of $3300 per single dwelling unit and $2300 per new multi-dwelling unit or new accessory dwelling unit other than a structure that replaces or modifies a current structure. The Impact Fee shall be deposited in the Road District #1 Fund. No Impact Fee shall be imposed on dwelling units located on property that is the subject of a duly executed and lawful special improvement agreement entered into by an Applicant and the City prior to the effective date of this Chapter. (Ord. 3544, 2015)

CHAPTER 15.70

SXWTPQYEN AREA TRANSPORTATION SPECIAL IMPACT FEE

15.70.010 Purpose and Intent
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15.70.050 Establishment of Transportation Special Impact Fee Accounts; Appropriation of Transportation Special Impact Fee Funds; Refunds; and Reimbursements
15.70.060 Appeals
15.70.070 Annual Review and Adjustment
15.70.080 Impact Fee Schedules
15.70.090 Impact Fee Advisory Committee

15.70.010 PURPOSE AND INTENT.

The purpose of this Chapter is to create a special impact fee attributable to new development in the Sxwtpqyen (Soo-tup-kane) Area to support construction of the Mullan BUILD Project, shown in Exhibit A attached to this Ordinance and made part hereof by this reference, and intent of these impact fee procedures are:

1. To establish uniform procedures for the imposition, calculation, collection, expenditure, and administration of special impact fees imposed on new development in the Sxwtpqyen Area;
2. To assure that new development contributes its fair and proportionate share towards the costs of public facilities reasonably necessitated by such new development;
3. To ensure that new development benefits from the provision of the public facilities provided with the proceeds of these special impact fees;
4. To ensure that special impact fees collected pursuant to this Chapter are expended only on public facilities the demand for which is generated by the new development against which the fees are assessed;
5. To ensure that the special impact fees assessed pursuant to this Chapter are proportionate in amount to the degree of impact new development has on public facilities; and
6. To ensure that all applicable legal standards and criteria are properly incorporated in these procedures. (Ord. 3677, 2021)

15.70.020 DEFINITIONS.

In this Chapter, unless otherwise indicated below, words and terms shall have the meaning prescribed in Chapter 15.66 and Title 20, MMC:

1. **Director**: the Director of the Community Planning, Development, and Innovation Department within the City of Missoula, or their designee.
2. **Methodology Report**: a report prepared in support of this Chapter titled " Sxwtpqyen Area Transportation Special Impact FeeStudy" by Tischler Bise, Inc., dated January 26, 2021, which

sets forth the methodology and rational basis for the calculation of the impact of new development and the proper and proportional amount of the transportation special impact fee to be assessed against new development.

3. **Sxwtpqyen Area**: the area shown on the attached Exhibit A, benefiting from transportation infrastructure being constructed by the City and Missoula County using a combination of local funding sources along with a federal BUILD grant.
4. **New Development**: any new construction, reconstruction, redevelopment, rehabilitation, structural alteration, structural enlargement, structural extension, or new use within the City that requires a building permit, including any damage in use of an existing building, structure, or lot, which increases the demand for one (1) or more public facilities; except as otherwise provided in subsection 15.70.030.
5. **Mixed Use Development**: any new development zoned according to the adopted Sxwtpqyen Area Master Plan Form Based Code that includes a mix of at least two of the following land uses: retail, restaurant, office, residential, hotel, and cinema/entertainment, where each land use has a gross floor area of at least 2,400 square feet.
6. **Offset**: a waiver of a portion or all of certain required transportation special impact fees, pursuant to subsection 15.70.040(E) of this Chapter.
7. **Public Transportation Facility(ies)**: public capital improvements, land acquisitions, and facilities with a useful life of ten (10) years or more, that increase or improve the service capacity of the public transportation facility or related infrastructure, including complete streets, intersection improvements, commuter trails, stormwater management associated with transportation infrastructure, and stream restoration and flood mitigation associated with the transportation improvements associated with the Mullan BUILD Project included in the calculation of the transportation special impact fees in the methodology report, as generally shown on the attached Exhibit B (Mullan BUILD Project Priority Map and Project Costs for Surface Improvements).
8. **Residential**: any building, structure, use or development designed, intended or used as a dwelling unit or its accessory buildings, or that results in the expansion of a dwelling unit or units.
9. **Shopping Center**: a retail business area comprised of one or more adjacent or adjoining commercial establishments on a parcel planned, constructed and managed as a unit in one or more buildings. A Shopping Center contains a building or buildings with a total gross floor area of thirty thousand square feet or more, with adjoining or adjacent off-street parking. Shopping centers consist primarily of commercial retail establishments; however they also may contain non-merchandizing facilities such as offices, movie theaters, restaurants, post offices, banks, health clubs, and recreational facilities.
10. **Transportation Special Impact Fee:** an impact fee imposed on new residential and non-residential development to fund the proportionate share of the cost generated by new development for public transportation facilities. (Ord. 3677, 2021)

15.70.030 APPLICABILITY.

1. Affected Area. transportation special impact fees shall be imposed on new development proposed within the Sxwtpqyen Area, in addition to other development fees already in place.

2. Type of Development Affected. Except as described below, this Chapter shall apply to all new development within the Sxwtpqyen Area.

3. Type of Development Not Affected. This Chapter shall not apply to:

a. **No Net Increase in Square Footage**. No transportation special impact fee shall be imposed on any new development that does not result in the creation of new square footage.

b. **Other Uses**. No transportation special impact fee shall be imposed on new development, whether or not a building permit is required, which does not result in an increase in the demand for public transportation facilities. Such development may include, but is not limited to, fences, signs, retaining walls, and residential storage sheds associated with an existing residential use.

c. **Development Agreements**. No transportation special impact fee shall be imposed on development projects that are the subject of a duly executed and lawful development agreement entered into by an applicant and the City prior to the effective date of this Chapter, which agreement contains provisions in conflict or inconsistent with this Chapter, but only to the extent of the conflict or inconsistency.

4. Effect of Payment of Transportation Special Impact Fees on Other Applicable City Land Use, Zoning, Platting, Subdivision, or Development Regulations.

a. The payment of transportation special impact fees shall not entitle the applicant to a building permit unless all applicable land use, zoning, planning, dedication, platting, subdivision, or other related requirements, standards, and conditions of applicable Montana law and City of Missoula ordinances and resolutions have been met. Such other requirements, standards, and conditions are independent of the requirement for payment of the transportation special impact fee.

b. This Chapter shall not affect, in any manner, the permissible use of property, density/intensity of development, design and improvement standards, or other applicable standards or requirements of the Buildings and Construction Code and the Missoula City Zoning Ordinance, which shall be operative and remain in full force and effect without limitation. (Ord. 3677, 2021)

15.70.040 PROCEDURES FOR IMPOSITION, CALCULATION AND COLLECTION OF TRANSPORTATION SPECIAL IMPACT FEES.

1. In General. An applicant shall be notified by the City of the applicable transportation special impact fee requirements, including applicable service charges, at the time of application for a building permit on a form provided by the City for such purposes. Preliminary transportation special impact fees shall be calculated by the Building Official at the time of application for a Building permit. The final transportation special impact fee shall be paid by the applicant prior to the issuance of a building permit. In lieu of payment prior to building permit issuance, an applicant may provide a Certificate of Deposit payable to the City, Letter of Credit issued by a financial institution in favor of the City, or other reasonable security in an amount equal to the transportation special impact fee calculated to be due, in a form satisfactory to the City Attorney and the Chief Financial Officer, and redeemed or paid in full upon completion of the final inspection by the Building official.

2. Calculation.

a. Upon receipt of an application for a building permit, the Development Services staff shall refer to the fee schedule adopted pursuant to this Chapter and determine (a) whether it is a residential or non-residential use, including whether it is a mixed use development; (b) the specific category of residential or non-residential development, if applicable; and (c) additional square feet of gross floor area of the proposed use.

b. Upon receipt of an application for a building permit, the Development Services staff shall determine whether the development proposed involves a change in use. In such cases, the transportation special impact fees due shall be based only on the incremental increase in the fee for the increase in the public transportation facility capacity created by the proposed change in square footage.

c. After making these determinations, the Building Official shall calculate the applicable transportation special impact fees by multiplying the amount of the applicable transportation special impact fee per unit of development or gross floor area, according to the adopted fee schedule, incorporating any applicable offset as discussed in subsection (5) below.

d. If the type of land use proposed for new development is not expressly listed in this ordinance and fee schedule, the Building Official, in consultation with the Zoning Officer, as necessary, shall:

i. identify the most similar land use type listed and calculate the transportation special impact fee based on the transportation special impact fee for the land use identified;

ii. identify the broader land use category within which the specified land use would apply and calculate the transportation special impact fee based on the transportation special impact fee for that land use category; or

iii. as appropriate, determine the basis used to calculate the fee pursuant to an independent impact analysis pursuant to subsection 3 below.

e. The calculation of transportation special impact fee due from a phased new development shall be based upon the demand generated by each specific land use within the phase of development for which a separate building permit is requested.

f. Transportation special impact fee shall be calculated based on the fee amount in effect at the time of submittal of a complete application for a building permit.

3. Independent Impact Analysis. The following provisions shall apply to any independent impact analysis:

a. The applicant shall be responsible, at its sole expense, for preparing the independent impact analysis, which shall be reviewed for approval by the Director, and, as appropriate, other City staff or officials, prior to payment of the fee.

b. The independent impact analysis shall measure the impact that the proposed new development will have, shall be based on the same methodologies used in the methodology report, and shall be supported by professionally acceptable data and assumptions.

c. Within thirty (30) days of submittal of the independent impact fee analysis, the Director shall provide written notice to the applicant as to whether the independent impact analysis is accepted or rejected based on the provisions of this section. If the independent impact analysis is rejected, the written notice shall provide an explanation of the insufficiencies of the analysis.

d. The final decision of the Director may be appealed pursuant to Section 15.70.060 of this Chapter.

4. Transportation Special Impact Fee Estimates.

a. Non-binding Estimate. An applicant may request a non-binding estimate of transportation special impact fees due for a particular new development at any time by filing a request on a form provided for such purpose by the City; provided, however, that such estimate may be subject to change when a final application for a building permit for new development is made. Such non- binding estimate is solely for the benefit of the prospective applicant and shall in no way bind the City nor preclude it from making amendments or revisions to any provisions of this Chapter.

b. Binding Pre-Determination. An applicant may request a pre-determination of transportation special impact fees due for a particular new development at any time by filing a request on a form provided for such purpose by the City. The pre-determination shall be binding for a period not to exceed ninety (90) days provided, however, that no change has occurred: a) in the square footage and use of the proposed development as presented in a final application for a building permit for the new development; or b) in the schedule of fees adopted pursuant to this Chapter and modified by annual adjustments. Such binding pre-determination shall not preclude the City from making amendments or revisions to any provisions of this Chapter.

5. Offsets.

a. Offsets against the amount of a transportation special impact fee due from a new development shall be provided for contributions made or to be made in the future by the affected property owner in cash, or by actual construction of all or part of a public transportation facility or facilities identified in the Methodology Report or shown on Exhibit B and meeting or exceeding the demand generated by the new development. The contribution must be a reasonable substitute for the cost and level of service of the public transportation facilities included in the Methodology Report or shown on Exhibit B, as determined by the Director, the Chief Financial Officer, and representatives of potentially affected departments.

b. The amount of any excess contribution shall be determined by the Director and the Chief Financial Officer upon receipt of an application form requesting an offset; provided, however, that (a) the City will make no reimbursement for excess contributions unless and until the transportation special impact fee account has sufficient revenue to make the reimbursement without overdrawing the account or jeopardizing the continuity of the City's Capital Improvements Program; and (b) the excess contribution may not be transferred or credited to any other types of development impact fees calculated to be due from that development for other types of public facilities. The determination of the eligibility for and the amount of the offset shall be made by the Director and the Chief Financial Officer, based on the fair market value of the proposed dedication, construction, or contribution, as established by appraisals and construction receipts or construction bids, as applicable. If the applicant contends that any aspect of the City's decision constitutes an abuse of discretion, the applicant shall be entitled to appeal pursuant to Section 15.70.060 of this Chapter.

c. No offset shall be allowed unless the City has clearly documented the need for the dedication or construction, pursuant to Montana Code Annotated Section 7-6-1602, has approved the contribution or expenditure before it is made, in accordance with the provisions of this subsection, and has determined that any proposed land dedication is appropriate for the proposed use by the City.

d. Offsets for provision of public transportation facilities shall be applicable only as to transportation special impact fees imposed for the same types of public transportation facilities that are proposed to be dedicated or provided, which must be within the Sxwtpqyen Area. Even if the value of the provision of a public transportation facility exceeds the transportation special impact fees due for the type of public transportation facility, the excess value may not be transferred to development impact fees calculated to be due from the applicant for other types of public facilities for which development impact fees may be imposed. Offsets for excess capacity may, however, be transferred to the same applicant or to other applicants for new development that creates a

demand for the same type of public transportation facility within the Sxwtpqyen Area and which development impact fees are due pursuant to this Chapter or Chapter 15.66.

e. Any offset or reimbursement shall be pursuant to a duly executed development agreement.

f. No offsets shall be given for the construction of local on-site facilities, structures, improvements, or other project improvements required by zoning, subdivision, or other city regulations unless the improvement is identified in the Capital Improvement Program, or Methodology Report/Exhibit B, or there is a finding that the proposed improvements meet the same need as improvements identified in the Capital Improvements Program or Methodology Report/Exhibit B.

6. Collection. The City shall collect the transportation special impact fees and service charges in the amounts set forth in this Chapter and shall issue a receipt to the applicant for such payment unless:

a. the applicant is entitled to a full offset;

b. the applicant is not otherwise subject to the payment of the transportation special impact fee; or the applicant has filed an appeal as required by Section 15.70.060 and has filed a bond or other surety in the amount of the transportation special impact fee as calculated by the City and approved by file City Attorney and Finance Director/Treasurer. (Ord. 3677, 2021)

15.70.050 ESTABLISHMENT OF TRANSPORTATION SPECIAL IMPACT FEE ACCOUNTS; APPROPRIATION OF TRANSPORTATION SPECIAL IMPACT FEE FUNDS; REFUNDS; AND REIMBURSEMENTS.

1. Transportation Special Impact Fee Accounts. The City shall establish a transportation special impact fee account for the Sxwtpqyen Area indicated in the Methodology Report for which transportation special impact fees are imposed. Such account shall clearly identify the service area, account, or fund for which the transportation special impact fee has been imposed. All transportation special impact fees collected by the City shall be deposited into the transportation special impact fee account. Unless otherwise prohibited by law, all interest earned on monies deposited to such account shall be credited to and shall be considered funds of the account. The funds of the transportation special impact fee shall be capable of being accounted for separately from all other City funds. The City shall establish and implement necessary accounting controls to ensure that the transportation special impact fee funds are properly deposited, accounted for, and appropriated in accordance with this Chapter and any other applicable legal requirements.

2. Appropriation of Transportation Special Impact Fee Funds.

a. **Use of Funds**. All appropriations from the transportation special impact fee account shall be detailed on a form provided for such purpose and filed in the City Finance Department. Transportation special impact fees may be used only for:

i. expenditures related to planning, design, and construction of the public transportation facilities within the Mullan BUILD Project identified in the Methodology Report or shown on Exhibit B;

ii. the payment of principal, interest, and other financing costs on contracts bonds, notes, or other obligations issued by or on behalf of the City to finance the design and construction of public transportation facilities within the Mullan BUILD Project identified in the Methodology Report or shown on Exhibit B;

iii. financing of offsets as set forth in Section 15.70.040 (5); or

iv. financing the costs of updating this Chapter or updated the Methodology Report.

b. **Restrictions on Use**. Transportation special impact fee appropriations shall not be appropriated for repair or maintenance of public transportation facilities, for operational or personnel expenses associated with the provision of public transportation facilities, or to correct an existing deficiency unless identified in the Methodology Report. Transportation special impact fees shall be appropriated within six (6) years of the beginning of the City's fiscal year immediately succeeding the date of collection, unless such time period is extended as provided herein.

c. **Appropriation of Transportation Special Impact Fee Funds beyond Six (6) Years of Collection**. Notwithstanding the provisions of subsection (2)(b) above, transportation special impact fee funds may be appropriated beyond six (6) years from the beginning of the City's fiscal year immediately succeeding the date of collection, if the appropriation is for a public transportation facility that requires more than six (6) years to plan, design, finance and construct.

Funds held over must be specifically identified and described in the impact fee annual financial report. The City shall document compliance with the provisions of this paragraph.

3. Procedure for Appropriation of Transportation Special Impact Fee Funds.

a. Each year the City shall identify public transportation facility projects anticipated to be funded in whole or in part with transportation special impact fees. Public transportation facility expenditures shall be based upon the transportation special impact fee annual review set forth in Section 15.66.070 of this Chapter, the methodology report, the City Capital Improvement Program and such other information as may be relevant, and shall be part of the City's annual budget and capital improvements programming process.

b. The recommendations shall be consistent with the provisions of this Chapter, the methodology report, and any guidelines adopted by the City Council.

c. The City Council may include public transportation facilities funded with transportation special impact fees in the City's annual budget and capital improvements program. If included, the description of the public transportation facility shall specify the nature of the public transportation facility, the location of the public transportation facility, the capacity to be added by the public transportation facility, the service area of the public transportation facility, the need/demand for the public transportation facility and the anticipated timing of completion of the public transportation facility.

d. The City Council may authorize public transportation facilities funded by transportation special impact fees at such other times, as they deem necessary and appropriate by a majority vote of the City Council.

e. The City Council shall verify that adequate transportation special impact fee funds are or will be available from the transportation special impact fee.

f. Transportation special impact fee funds shall be spent on a first in/first out basis.

4. Refunds; Eligibility. The provisions for impact fee refunds and eligibility for such refunds found in Chapter 15.66.050 shall apply to and govern refunds under this Chapter.

5. Reimbursements. The City plans to continue to seek state and federal grant funds to help pay for the transportation infrastructure identified in the Methodology Report. In the event that the City receives additional grant funds in any amount over $2,000,000, which represents roughly 10% of the outstanding costs of the transportation infrastructure identified in the Methodology Report, the City will recalculate the transportation special impact fee necessary to pay for the costs of such transportation infrastructure. Owners of properties that paid the transportation special impact fee within the 60 months prior to the recalculation are eligible for reimbursement of the difference between the amount paid and the recalculated amount, minus a five percent administrative fee not to exceed $200. Applications by the current owners of such properties for reimbursements under this provision shall be made on a form provided by the City for such purposes. Upon receipt of a complete application for a reimbursement, the Director shall review the application and documentary evidence submitted by the applicant as well as such other information and evidence as may be deemed relevant, and make a determination as to whether a refund is due. Refunds by direct payment shall be made following an affirmative determination by the Director. (Ord. 3677, 2021)

15.70.060 APPEALS.

1. Initiation.

a. An appeal from any decision of a City officer pursuant to this Chapter shall be made within fifteen (15) working days of notice of the decision being sent by certified mail, to the Chief Financial Officer who shall refer it immediately to an Appeals Committee consisting of the Chief Administrative Officer, Chief Financial Officer, Director, and City Attorney. When filing an appeal, the fee payer shall submit a letter providing a full explanation of the request, the reason for the appeal, as well as all supporting documentation and an administrative fee of five percent (5%) of the impact fee, not to exceed two-hundred dollars ($200). In the event the appeal is successful, the City Council may refund all or a portion of the administrative fee to the payer.

b. Upon review and consideration of information presented by the appellant, the Appeals Committee shall formulate a recommended action and forward it for consideration to the City Council pursuant to Title 20 of the, Missoula Municipal Code. Such appeal shall be based on the record and on other

such written argument which appellant has filed with the appeal and the staff response to such argument.

c. The filing of an appeal shall not stay the imposition or the collection of the transportation special impact fee as calculated by the City unless a Certificate of Deposit payable to the City, Letter of Credit issued by a financial institution in favor of the City, or other sufficient surety has been provided.

d. If the notice of appeal is accompanied by a cash bond or letter of credit in a form satisfactory to the City Attorney and the Chief Financial Officer in an amount equal to the transportation special impact fee calculated to be due, a building permit may be issued to the new development.

2. Contents. The notice of appeal shall detail the specific grounds therefore and all other relevant information and shall be filed with the Finance Office on a form provided by the City for such purposes. (Ord. 3677, 2021)

15.70.70 ANNUAL REVIEW AND ADJUSTMENT.

The provisions Chapter 15.66.070 shall apply to the annual review and adjustment of the transportation special impact fee. (Ord. 3677, 2021)

15.70.080 IMPACT FEE SCHEDULES

The City Council shall establish and amend the transportation special impact fee by resolution after conducting a public hearing. (Ord. 3677, 2021)

15.70.090 IMPACT FEE ADVISORY COMMITTEE

The Impact Fee Advisory Committee, created by Chapter 15.66, shall review and monitor the process of calculating, assessing and spending the transportation special impact fee and advise the City of Missoula governing body with respect to these impact fee revenues as provided by Montana state law. (Ord. 3677, 2021)